No. 34225

In The

Supreme Court of Illinois

November Term, A. D. 1956.

PEOPLE OF THE STATE OF ILLINOIS,
Defendant in Error,

vs.

PAUL CRUMP,
Plaintiff in Error.

Writ of Error to the Criminal Court of Cook County.

Indictment No. 53-672

Honorable Elmer N. Holmgren, Judge Presiding.

Abstract of Record

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In The

Supreme Court of Illinois

November Term, A. D. 1956.

PEOPLE OF THE STATE OF ILLINOIS, *Defendant in Error,* vs. **PAUL CRUMP,** *Plaintiff in Error,*	Writ of Error to the Criminal Court of Cook County. Indictment No. 53-672 — Honorable Elmer N. Holmgren, Judge Presiding.

Abstract of Record

Page of Record

COMMON LAW RECORD.

1A Placita.

3A Grand Jury returned into open Court and made a Presentment endorsed "A True Bill", March 31, 1953.

4A State of Illinois,
County of Cook—ss.

Of the March Term of the Criminal Court of Cook County, in said County and State, in the year of our Lord, one thousand nine hundred and fifty three.

Count 1. The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the

People of the State of Illinois, upon their oaths present that one Paul Crump one Eugene Taylor one David Taylor one Harold Riggins and one Hudson Tillman, late of the County of Cook, on the twentieth day of March in the year of our Lord one thousand nine hundred and fifty three in said County of Cook, in the State of Illinois aforesaid; unlawfully, feloniously, wilfully and of their malice aforethought made an assault in and upon the body of one Theodore P. Zukowski who then and there was in the peace of the People of said State of Illinois; and that said Paul Crump said Eugene Taylor said David Taylor said Harold Riggins and said Hudson Tillman then and there unlawfully, feloniously, wilfully and of their malice aforethought discharged and shot off, to, against, towards and upon said Theodore P. Zukowski a certain pistol commonly called a revolver, then and there charged with gunpowder and divers leaden bullets, which pistol said Paul Crump said Eugene Taylor said David Taylor said Harold Riggins and said Hudson Tillman then and there had and held in their hands; and that said Paul Crump said Eugene Taylor said David Taylor said Harold Riggins and said Hudson Tillman then and there unlawfully, feloniously, wilfully and of their malice aforethought struck, penetrated and wounded said Theodore P. Zukowski in and upon the head, face, abdomen, head and body of said Theodore P. Zukowski with two of said leaden bullets so as aforesaid discharged and shot out of said pistol by said Paul Crump said Eugene Taylor said David Taylor said Harold Riggins and said Hudson Tillman thereby then and there

with said two leaden bullets discharged and shot out of said pistol as aforesaid giving to said Theodore P. Zukowski in and upon the chest, thorax, abdomen, head and body of said Theodore P. Zukowski divers mortal wounds of which said Theodore P. Zukowski thereafter died on the same twentieth day of March in the year of our Lord one thousand nine hundred and fifty three in said County of Cook, in the State of Illinois aforesaid; and so the Grand Jurors aforesaid, upon their oaths aforesaid, say that said Paul Crump said Eugene Taylor said David Taylor said Harold Riggins and said Hudson Tillman unlawfully, wilfully, feloniously and of their malice aforethought killed and murdered said Theodore P. Zukowski in manner and form aforesaid and by the means aforesaid; contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

5A Count 2. The Grand Jurors aforesaid, chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths aforesaid, do further present that one Paul Crump one Eugene Taylor one David Taylor one Harold Riggins and one Hudson Tillman late of the County of Cook, on the twentieth day of March in the year of our Lord one thousand nine hundred and fifty three in said County of Cook, in the State of Illinois aforesaid, did unlawfully with malice aforethought by shooting kill and murder Theodore P. Zukowski, contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

John Gutknecht,
State's Attorney

6A Certificate of filing of indictment, March 31, 1953.

7A-8A Arraignment and plea of "Not Guilty", September 7, 1955.

9A MOTION OF DEFENDANT FOR ORDER SUPPRESSING AS EVIDENCE INVOLUNTARY STATEMENTS ALLEGEDLY MADE BY DEFENDANT.

Paul Crump, Defendant in the above entitled cause, by Stephen Lee, his attorney, preliminary to trial of the issues herein, moves the Court to grant hearing on the competency of statements allegedly made by the defendant, in writing or otherwise, and all admissions incident thereto, on the grounds that said statements were involuntary and the result of duress, brutality, and coercion; brought to bear on Defendant by the police.

Paul Crump
Defendant
By /s/ Stephen Lee
His Attorney.

Filed: September 7, 1955.

10A Hearing on Motion to Suppress continued to October 4, 1955.

11A-14A Continuances of hearing on Motion to Suppress.

15A And the Court hearing the Arguments of Counsel, in support of said Motion as well as the State's Attorney, Counsel for the People in opposition thereto and the Court being fully advised in the premises doth Deny said Motion and orders that said Motion be and the same is hereby Denied accordingly.

16A-17A Counsel for defendant moves the Court at the Close of the State's Case, for the Court to instruct the Jury to find the defendant, Not Guilty.

And the Court being fully advised in the premises doth, deny said Motion and orders that the said Motion be and the same is hereby Denied accordingly.

18A Counsel for defendant rests, and the jury hearing further testimony of witnesses.

Counsel for the defendant moves the Court at the Close of All the Evidence, for the Court to instruct the Jury to Find the said Defendant, Paul Crump, Not Guilty.

And the Court being fully advised in the premises doth Deny said Motion and orders that said Motion be and the same is hereby Denied accordingly.

The Jury hearing Arguments of Counsel and instructions of the Court retire to consider their verdict, and afterwards, return into open Court, and 19A their Verdict say:

> "We, the Jury find the Defendant Paul Crump Guilty of Murder, in manner and form as charged in the indictment, and we fix his punishment at death."

Counsel for the defendant moves the Court for a New Trial.

Counsel for the defendant moves the Court in Arrest of Judgment.

Hearing on Motion for a New Trial and on Motion in Arrest of Judgment continued until December 20, 1956.

21A Motion for New Trial (set out in Bill of Exceptions; see Index).

27A Motion in Arrest of Judgment (Set out in Bill of Exceptions; See Index).

29A-30A Sentence of Court (Set out in Bill of Exceptions; See Index).

31A Counsel for the Defendant moves the Court for an Order for the Official Court Reporter of the Criminal Court of Cook County to prepare the original Transcript and a copy thereof.

32A Order of Court that the official court reporter prepare the original transcript and a copy thereof for the use and the benefit of defendant. That the County of Cook pay any and all costs incidental thereto.

33A Counsel for defendant, by leave of Court, files written Motion for a Directed Verdict at the Close of the State's Case, Nunc Pro Tunc as of December 12, 1955.

34A Motion for Directed Verdict at Close of State's Case (Set out in Bill of Exceptions; See Index).

36A Motion for Directed Verdict at End of All the Evidence (Set out in Bill of Exceptions; See Index).

37A-39A Statement of Services of Counsel for Paul Crump, indigent defendant.

40A-41A Order of payment of fees to Counsel in trial of indigent defendant.

43A Notice of Motion. Filed, March 1, 1956.

44A Proof of Service of Notice and Motion. Filed, March 1, 1956.

46A MOTION

Paul Crump, defendant, respectfully moves this Honorable Court for an Order granting George N. Leighton leave to file his Appearance as Attorney and for leave to prosecute a Writ of Error in this cause as a poor person. In support hereof defendant, Paul Crump, submits his affidavit and appropriate orders in draft form.

Paul Crump, defendant
By: /s/ George N. Leighton
George N. Leighton
Attorney for Defendant

Filed: March 1, 1956.

47A Affidavit of Paul Crump in support of petition for leave to proceed as a poor person.

49A Order of Court granting leave to George N. Leighton, Attorney at Law, to file his appearance as Attorney for Paul Crump, and represent said defendant in Writ of Error proceedings.

51A-53A Order of Court finding that Paul Crump is a poor person; that George N. Leighton, Attorney for Paul Crump, a poor person, is ordered and authorized to incur costs and expenses incident to the Writ of Error herein; that the Board of Commissioners of Cook County, Illinois, appropriate sufficient moneys and pay the necessary costs incident to the Writ of Error herein; that vouchers for payment of the necessary costs be submitted to the trial judge, or to any other judge in this court for approval, or in his absence to any judge for approval for an entry of an order directing payment of said vouchers.

55A

MOTION

Now comes the defendant, Paul Crump, by his attorney George N. Leighton, and respectfully moves this Court to stay execution of the death sentence and to extend the time for filing the Bill of Exceptions in the above entitled cause, and in support of which states as follows:

1. The execution of the death sentence is scheduled for March 16, 1956.

2. That the Bill of Exceptions and the Transcript of the Record of the above entitled cause are voluminous, comprising of more than two thousand (2,000) pages, and that said Bill of Exceptions and Transcript have not been completed by the Official Court Reporter and by the Clerk of the Criminal Court of Cook County, and therefore have not been made available to defendant's counsel.

3. The extension of time herein requested has not been caused by any negligence on the part of defendant or his counsel.

56A

Paul Crump, Defendant
By: /s/ George N. Leighton

Filed: March 1, 1956.

58A

ORDER

On Motion of the Attorney for the Defendant, for good cause shown, the Court being fully advised in the premises:

It Is Hereby Ordered that the execution of the death sentence scheduled for March 16, 1956, be and the same is stayed to May 18, 1956, and that the time for filing a Bill of Exceptions in the above entitled cause be, and the same hereby is extended to and including the 18th day of May, A.D., 1956.

It is further ordered that the Clerk of the Criminal Court of Cook County transmit forthwith a certified copy of the Stay Order herein to the Sheriff of Cook County and to the Warden of the Cook County Jail.

Enter:

/s/ Elmer N. Holmgren
Judge

Dated: March 1, 1956.
Filed: March 1, 1956.

59A It is ordered by the Court that this cause be and the same is hereby Advanced from May 18th, A.D., 1956, to date, May 15th, A.D., 1956.

60A Notice of Motion.

61A Proof of Service of Notice and Motion. Filed, May 15, 1956.

63A Motion of defendant for an order staying execution of the death sentence and extending the time for filing a Bill of Exceptions to and including September 14, 1956. Filed, May 15, 1956.

66A Order of Court that the execution of the death sentence scheduled for May 18, 1956, stayed to September 14, 1956; that the Clerk of the Criminal Court of Cook County transmit a certified copy of the Stay Order to the Sheriff of Cook County and the Warden of the jail of said county.

67A There was received and filed in the Office of the Clerk of the Criminal Court of Cook County a Praecipe for Record.

68A-69A Praecipe for Record. Received and Filed, May 29, 1956.

70A Counsel for Defendant presents his Bill of Exceptions to the Court.

71A Said Bill of Exceptions is signed and sealed by the Judge of this Court, and ordered filed this day, which is accordingly done.

73A Notice of Motion.

74A Proof of Service of Notice and Motion, Filed: September 12, 1956.

76A Motion of counsel for defendant for an Order extending the stay of the execution of the Death Sentence in this cause.

77A

ORDER

On Motion of the Attorney for Paul Crump, defendant, good cause having been shown unto the court, and the court being fully advised in the premises:

It Is Hereby Ordered that the execution of the death sentence scheduled for September 14, 1956, be and the same is stayed to September 26, A.D., 1956.

It Is Further Ordered that the Clerk of the Criminal Court of Cook County transmit forthwith a certified copy of the Stay Order herein to the Sheriff of Cook County and to the Warden of the Cook County Jail.

Enter: /s/ Elmer N. Holmgren
Judge

Dated: September 12, 1956.
Filed: September 12, 1956.

BILL OF EXCEPTIONS

1 Before the Honorable Richard B. Austin, Chief Justice of the Criminal Court of Cook County, on the 12th day of April, 1955. Indictment No. 53-672, charge: Murder.

Present: Honorable John Gutknecht, State's Attorney, by Mr. Joseph Wosik and Mr. Lester Shapiro, Assistant State's Attorneys for the People.

3 Before Judge John T. Dempsey—June 21, 1955.

Present: Mr. Herbert Barsy and Mr. Cecil Partee, for the People: Mr. Stephen Lee, for the Defendant.

Counsel for the Defendant presented a Petition requesting a tonsillectomy for the Defendant.

4 Upon the advice of counsel for the Defendant that the Statute provides for medical aid by the Jail Warden, that the Warden wanted a formal order, and, that the operation could be performed in the confines of the jail, the order was granted.

5 Before Judge Richard B. Austin—July 29, 1955.

Present: Mr. Lester Shapiro and Mr. John Stamos, for the People; Mr. Stephen Lee, for the Defendant.

The Court, Mr. Shapiro and Mr. Lee engaged in conversation about a September date for trial. (Defendant arrives in the Court Room.)

6 By agreement the case was set for the 7th day of September, before Judge Roberts.

7-22 Proceedings had relating to defendant's petition for a tonsillectomy and removal to another part of the jail.

22A Before Judge Cornelius J. Harrington, September 16, 1955.

Cause assigned to Judge Elmer N. Holmgren for trial date.

23 Before Judge Elmer N. Holmgren, October 17, 1955.

Present: Mr. Thomas A. McGloon and Mr. Joseph McGovern, for the People; Mr. Stephen Lee, for the defendant.

27 After a brief discussion about a trial date in November, the trial of the cause was set for November 28th upon Motion of the People.

29 Before Judge Elmer N. Holmgren, November 28, 1955.

Present: Mr. Joseph V. McGovern and Mr. Robert Cooney, for the People; Mr. Stephen Lee, for the Defendant.

The cause came on to be heard on defendant's Motion to Suppress on the Indictment found therein, the defendant having entered a plea of not guilty.

30 Mr. McGovern introduced Mr. Cooney to the Court.

The Court suggested an adjournment until two o'clock in order to get the preliminaries settled.

31 The Court and Mr. Lee engaged in a discussion as to whether or not it was a written statement or a confession. Mr. Cooney took the position that defendant was entitled to a preliminary hearing only when it was a confession and not if it was merely a written statement.

32 The Court, Mr. McGovern, Mr. Cooney, and Mr. Lee engaged in a discussion as to whether or not the trial started at the time the first witness was called in support of the Motion to Suppress.

33 Whereupon the further hearing of this cause was continued until 2:00 P.M., same date, Monday, November 28, 1955.

34 Proceedings before Judge Elmer N. Holmgren, November 28, 1955, 2:00 P.M.

Present: Mr. Joseph V. McGovern, Assistant State's Attorney, on behalf of the People; Mr. Stephen Lee, on behalf of the defendant.

35 Whereupon, PAUL CRUMP, defendant, petitioner in the Motion to Suppress, having been first duly sworn, testified as follows:

Direct Examination by Mr. Lee.

My name is Paul Crump. I am presently incarcerated in the County Jail of Cook County. I have been
36 incarcerated in the County Jail going on three years. Prior to that I lived at 1231 West 119th Street. I was residing with my parents. I am a married man, I have one child.

On or about March 20, 1953, I was taken into custody by the Police of the City of Chicago. I was arrested at 111th and Throop Streets at the residence of a
37 man that I knew; I don't know the exact address. I had gone there with a man by the name of Eugene Taylor. A man by the name of Hudson Tillman lived there. I had gone there at the request of Eugene Taylor, who did not know the address of Hudson Tillman and who knew that I knew Hudson Tillman because I lived in that section of the City of Chicago
38 for a good many years. I pointed out the place to him, we drove up in front of the house and parked across the street. We got out of the car, crossed the street and I knocked on the door. Eugene Taylor was at the bottom of the steps. I knocked about twice, all
39 the shades were drawn, and there was no response. I made about a step to withdraw from the entrance when I heard the door opening. I had turned my back to the door. I turned again to face the door when there
40 was a blinding flash and then I heard a series of pistol shots. I fell to my knees and someone hurdled over me. When I cleared my eyes and my mind, someone had me by the back of my coat collar, and I was being

dragged toward the front of the house and I did not know what was happening.

I started hollering and asking what was wrong. I did not get a response but I was being struck by some object. When I got across the street I had a chance to see who it was that had me, it was a white fellow with a blue suit. One person in plain clothes. I was being held by the back of my shirt and I twisted and saw who it was. After I was dragged across the street my feet were kicked out from under me and I landed on my side and a knee was pressed in my back. My tie was taken from my neck and tied behind my back
41 and I was placed against a wall. I was asking what was wrong, but the only response I received was to be cursed. I was placed against the building where I had been dragged and I was searched. The search did not disclose anything and nothing was taken from me at that time.

42 Then I was taken back over to Mr. Tillman's home by the same man that had me. I did not get any information from him. All the while he took me from the house across the street and back over to the house, I was asking him what was wrong and why I was being treated as I was. It was approximately 10:30 P.M. There were many people on the street. The character of the neighborhood in that block is business; that is a main thoroughfare. There were stores on the sur-
43 face level, on both sides of the street. Yes, the stores were open at that time.

When I got back across the street I was taken into the Tillman home, and when I walked in the door, I simultaneously also concluded to leave and I was shoved to the floor. I saw about 5 other white men sitting in chairs. They were not dressed in Police

Officer's uniform. I did not see any person in the at-
44 tire of a member of the City of Chicago Police De-
partment. Mr. Tillman's wife, his sister, and his kid
brother were there in the household. I was thrown
to the floor. No other persons were present at that
time. Mr. Taylor, my companion, was not there. As
I was laying there on the floor with my hands tied
behind my back I laid on the side of my face and one
of the men asked me a question. I didn't hear what
he said and I was kicked. Then he asked me again;
he kicked me in the side. I raised my head up and
45 asked what did he say. He asked me my name and
I told him and then again I was kicked. The girl,
Miss Loretta Tillman, asked him if it was necessary
to treat me in that manner. He told her to be quiet
and that they were handling it.

They did not identify themselves to me in the house; not until later. They did not tell me that they were members of the City of Chicago Police Department. They did not make any accusations against me at any time. There was one brief conversation between the
46 men and myself. I was asked the name of the fellow
who was with me and I told them it was Gene Taylor.

That was all for about three or four minutes, then they brought Gene Taylor in and threw him on the floor in the back room. He was in the same position I was in. I did not learn the names of the men who did this; I did not later learn their names. Eugene Taylor was placed on the floor directly behind me at
47 my feet. They asked him his name.

I was on the floor for about 15 minutes. During that time nothing was said or done. They talked among themselves and one of them made a telephone call. After the telephone call we were taken out and put in a car. I do not know who he called.

Within 15 minutes we were taken to the Stockyard's District Station at 38th and Wabash Streets in the
48 City of Chicago. There were four of us in the back seat; there was Eugene Taylor, two officers and myself. I had surmised then that they were police officers. I did not know that they were from any outfit. I did not know where I was going when I left the Tillman home. I did eventually arrive in the vicinity of 48th and Wabash Streets.

We were taken into the station and they put us in a room on the side; in one of the offices on the first floor of the police station. We were told to stand. We stood against the wall and some two minutes later the Captain of the Station there came in; this Cap-
49 tain, Mr. Reynolds. He was not attired in the uniform of a Captain. He was in a brown tweed suit. At that time I did not know that he was a policeman. A gentleman came in and I later learned that he was a Police Captain.

We were in the same room as when we first arrived. We were told to get up on a bench and strip. We stripped of all our clothes and they began to ask questions as they searched our clothing. The room began to crowd up at that time. There were about
50 twenty or more people in there. They were not in uniforms; they were all plain clothesmen. I later learned the name of one of them. The name is Sergeant Pierce or Pearson. I do not know to what command he was attached. I do not know if he was at-
51 tached to the Station there. I learned his name was Pierce because I heard some officers talking to him. The only men whose identity I learned were Captain Reynolds and Sergeant Pierce.

Taylor was alongside of me and we were both stripped naked. They started asking us questions with

regard to a robbery that had happened earlier that day.

52 I was asked questions and I gave the answers to these men. Captain Reynolds, Sergeant Pierce, and five or six other men who were in the room asked me questions. They were all questioning me at one time. They asked me what I had done with the money. I asked them what money were they referring to and they told me the money I had gotten out of the robbery
53 over at Libby's. I told them that I had not been in a robbery. Well, I was told that I was lying and I was asked where was Hudson Tillman. I told them I did not know. I was trying to find him myself and that's the reason I was over there at his house. Then they asked me who shot the guard out there and I told them that I had not the faintest idea. They just kept asking me questions about the robbery. Similar questions were asked of Taylor in my presence and the answers given by him were about the same; negative answers.

I arrived at that station that evening from 110th
54 or 111th Streets at about 11:15. The questions ended and I was taken back in the lock up. That was about 11, about 12 o'clock. I have related everything that happened up to this time as best I can. I was kicked into the cell. They walked me back to a group of cells and they put Eugene in one cell and they opened the door and kicked me in the other. We were in cells next to each other. About three of them kicked me.

55 I did not see them thereafter and I have not seen them in any of the court proceedings. I believe I would know them if I saw them again. I was kicked in the rear, in the pants. I was in a cell by myself.

When Sergeant Pierce came up some minutes later, he had a hat and a piece of pipe in his hand and they opened the door. First, before that, a man in civilian
56 clothes entered and there was a representative from the Libby's plant who began to ask me about the robbery. He asked me what I did with the money. There wasn't anyone present at that time. I was in the cell and this man was inside the cell. He said he was from Libby, McNeil & Libby; he did not give me his name. He told me he was interested in getting the money back, finding out who had been in the robbery and how the man was killed. Yes, I have seen that man from
57 Libby, McNeil & Libby since that night; I saw him once in 1953; about two or three times. I did not learn his name. I told him I could not be of any help and he walked away.

About a minute or two later Sergeant Pierce came down. He had this hat and this piece of pipe and he opened the door. The man that was with him, that kept the lockup there, he opened the door and he called my name. I stepped outside, inside the door and he asked me, "Is this your hat?" I said, no. He said, "Did you ever see the hat before?", I said, no. He said, "Did you ever see this piece of pipe?", I said no. He took the hat and pushed it on my head. I can't recall the color. It was a beaver hat I know
58 that, a fuzzy type of hat. It is what is known as a Fedora style hat. I don't know the color, it was a dark color. I did not try the hat on; he pushed it on my head.

The pipe was about 12 inches long and it had some black tape on it; electrician's tape. He asked me was that my hat and I said no and he pushed it on my head. Then he said, "It fits you." I said, "Well, I don't know", and then he said, "If you don't know

you will know before too long", and took the hat off me. Yes, I know who that man was; he was Sergeant
59 Pierce. I denied, like I said, I kept denying any knowledge of the hat and he struck me in the face and locked me up and put me back in the lockup and he walked away. He struck me once with his hands. I went back to the cell.

Later on that night—in the morning—that was the next day the 21st of March, just before daybreak, the lights were dimmed in the cell where I was. Around in the front, there were lights. There was no lights inside the cell and those lights were put on, dim lights, and that's when some officers, that's the first time I seen people in uniform, men in uniform and they came
60 in the cell. There were two of them. They began to question me and I did not give any sort of answer. You know I just, sometimes a couple of times I said no, I just got tired denying it because they were insistent, you know.

They asked me where I hid the money, where was Hudson Tillman, who was the man who shot the man out at the plant and questions along that line. They questioned me so much I just did not want to answer any more. These two fellows were in uniforms. I lay inside; I got tired of answering and they started striking me. I did not have any sleep that night.

I stayed at 48th & Wabash until Saturday. Until
61 Sunday, I believe it was. On Saturday I was questioned at 48th & Wabash. I stayed there until Sunday; I believe that's when we left there. I can't recall. I was taken there, March 20th. I stayed at 48th & Wabash overnight. March 21st, the next day, was the day I believe I stayed at 48th & Wabash. I can't say for sure.

I was moved from the 48th & Wabash station. I heard that there had been talk about a special show-up or line-up they had at 11th & State Streets station on Sunday and we were to be taken down there. I
62 don't know if we went there Saturday or not, I can't remember. I was taken down there. My mode of transportation from 48th & Wabash was by squad-car. In the squad-car were three men in plain clothes, police officers. I did not see them after that.

Q. Have you related everything that happened at 48th & Wabash?

A. Yes. I mean except that I was continuously questioned and continuously abused and misused.

Mr. McGovern: We object to the conclusions, Judge.

The Court: Sustained.

I have related everything that happened. Yes, I did have sleep at 48th & Wabash. What I have just described and related lasted the night long. I believe I stayed at 48th & Wabash on Saturday, March 31st.
63 I went to 11th & State Street. Upon my arrival at 11th & State Street police station we were taken up to the 11th Floor, I believe, and after coming through the door there is a man at a desk, takes all your personal belongings from you. He asked me to empty my pockets. I began to empty my pockets, but I had a cuff on. That made it sort of difficult and I imagine I was slow because the man that was with me was taking off Gene's cuffs and he told me to hurry up. By Gene I mean Eugene Taylor, the man that was arrested with me. I told him I was finding it hard to take things out of my pocket with my hand cuffs, and I was going to wait for him and he kicked me on my foot.

64 Then I was taken in and put in a cell with Eugene and about five other men that were there. They called us out about a half hour or so and we would go up on a stage, people out front—that was a show-up. We were told to say our names and turn around. This was about a half an hour every hour. This was in the daytime. It was shortly after my arrival at 11th & State Street. We made this show-up all that day. I think I went, I know I went out over nine or ten times. I was not identified by anyone.

Then that night after we had made this one big
65 special show-up it was supposed to be over, I was told. I was in the cell and, well, about I would say about 10:30, 11 o'clock they came and took me out of the cell with the rest of the men and they put me in an end cell, at the end. I was sitting there and I was scared because I felt that, you know I mean it was just, I should be separated from the rest of the men and then I was called out, I came out. I was told to turn around and when I walked out of the cell there was a man standing there with handcuffs in his hands and he said, "Turn around" and I turned around. When I turned around, he said, "Put your hands behind your back" and he cuffed me. The man that got me out of the cell took me back and put me inside the cell. I sat that way for ten minutes. Then the same thing happened. He turned the lights on and I knew
66 I was going to get whipped again. The lights were lowered and they stayed that way.

I was sitting on the bench and a voice said, "Turn around, Crump, turn around" and I looked and turned around on the bench, facing the back of the cell and the door opened and somebody put a blindfold across me. The cuffs were grabbed in the middle and he pushed

me down, my head down like this, and he said, "Alright, walk slowly."

I walked out of the cell about two or three steps and this voice said, "All right, boy, turn around" and I
67 turned around in a circle. Then he said, "Watch your head" and he pushed my head down and I straightened up again. We walked five or six more steps and he turned me around and there was a sound "watch the door, watch the door," and I heard a sound and a door slid and he walked me a little further.

I turned around about eight or nine times and lifted the handcuffs that were placed on me. I felt them released off my arm and something else was placed on my arm from my wrist to my elbow. Something was placed on my arm from my wrist to my elbow, on both arms. I could not see what the object was, I was blindfolded. Yes, it was heavy, it felt like leather. It was drawn tight upon my arm and it cut off my circulation, the circulation of my blood, so then I was lifted up.
68 When I was lifted up and let down, I was in a suspended position. In the course of the last two and a half years I have made a picture of the position I was in at that time.

(A drawing showing a man suspended by his back and wrists was shown to the defendant.)

I drew that and that's the position I was held in at
69 that time. I was lifted up and let down slowly but my feet did not touch the floor completely.

I don't know who was present at that time. Yes, I heard voices. I could only distinguish the different voices in that one was lighter than the other. One was a little heavier than the other. Yes, there were more than two distinct voices. I would say about seven at that time. They walked back and forth all
70 around me. I was lifted up a number of times and let down in this suspended position with my hands like that.

There were words exchanged between the persons who were there and myself. Those words were, "You going to tell us now, or are you going to get down." They were threatening me. They told me if I did not come across with some information they were going to let me hang there until I did and I was struck in the stomach and kicked on the foot.

In November 1953, I was in an automobile accident. That was about six months previous to this date of March 21st or 22nd. I suffered permanent injuries
71 in that accident. I have been lame ever since. As a result of that accident I had to have an operation performed on my foot. After that I could not walk the same as I did before, and I still can't. Since that time I have developed a limp. I do have a limp. In March 1953, I had a noticeable limp. I have had a limp ever since the accident. It was my left ankle that was hurt.

72 Yes, something was done with reference to my injured limb. I was suspended where just the tip of my toes would touch the floor. This would be the weaker of the two. If I hung up there some time, I developed tremendous pain in my foot. I made known to them that I had an injury to my leg. I told them after I had hung there for some time. I pleaded with them to cut me down because I couldn't stand too much pain on my foot. I would say it was about three hours from the time I was suspended until the time they let me down.

73 I was constantly questioned. They were telling me different parts of this robbery that had happened. They asked me where was Hudson Tillman. They asked me, "Now, we know that you know him and we are going to find him, so you just tell us what did you

do with the money, no sense holding back, you're going to talk before you get off there," and all the questions I did not answer. Many times they asked me whether I was at the home of Hudson Tillman prior
74 to March 20th. I told them I went there with Eugene. I told them I had escorted Eugene Taylor over there. I showed him where Hudson Tillman lived.

After I was taken from that suspended position I did not have any control over my limbs because I had gone dead, all the upper part of my body had gone dead and my foot, this leg was messed up.

I do not know what floor I was on at 11th & State Street. My opinion is that I thought we were still on the floor where the lock-up was; we didn't take any elevator nor did we go down any steps.

I later heard the same voices I heard at that time. The only voice I can recall is that of Lieutenant Pape.
75 I had been in that position for about 3 hours, that's the period of time I was conscious, and I was not conscious all the while I was hanging up there. All feeling had left my body. When I regained consciousness, they kept questioning me and I said, "What do you want, I tell you I don't know anything about what you are asking". So then I asked them to please cut me down. Yes, after they let me down the leather bands were removed from my arms. I did not see any kind of rope; they did not take the blindfold off of me until I was back in the cell.
76 They let me down and I fell to the floor, and then they took the thing off of my arm, whatever it was. I could not move my hand and I could not flex my muscles. So he said, "Get up" and I said, "I can't move, my circulation is cut off;" I was still blindfolded and did not see the person who uttered those words.

Then they lifted me up. They held me up and walked me back. I had to turn around again. I went through the same proceedings, they made me walk with my head down and after I got back to the cell, they opened the door. When they put me in that position, they told me, "I am going to take this off your face, don't you turn around", and I laid there and he snatched it off my face and he put my suit coat over my head then ran out the door.

77 They took the coat off when I was in the cell and he put it over my head. I laid there, I could not move because I did not have any feeling. Eventually I did move, and when I did I sat on the bench. Eventually, some one came in the cell. It was early Monday morning. They called my name and took me out again.

They took me out to see Lt. Pape. Yes, I did have a conversation with Lt. Pape.

78 I would say it was about the 5th floor, and he was the only one in that room. He was alone in that room behind a small desk. I came in with this other officer and I was moving slow. He told me to sit down and I sat down. When I did sit down I was holding my hands up like this (indicating) and he said, "What's the matter with your wrists, did you fall?"

I did not say anything and there were about two other men in a little office off to the side, sitting right in the door looking in. He told me, "So you don't know where Hudson Tillman is". I said, "No". He said, "Have you got any money?" I said, "No, I haven't got any money." He said, "But when I do, if you don't call me back at 12:00 o'clock tomorrow, and tell me where Hudson Tillman is, I will have you back so fast that it will make your head swim, and when

I do have you back in here, you'll not get off as easy as you did this time." If I did not find Hudson Till-
79 man, he was going to have me back.

I was in terrible pain at that time. I had perspired profusely when I was hung over there. My shirt was wet and all my underclothes. I have related all I can remember of what happened in the office of Lt. Pape. From that office I went back to the cell. I stayed in the cell until about 12:00 o'clock when this officer came up and threw me down the back way. He threw me down on the floor and said, "Get out of here, if I catch you around two minutes after this, I'm going to hit you in the head." I did not go through the court room to get out.

80 This was on Monday, the 23rd. After that I caught a street car and went home. My home address was 1231 West 110th St.

Upon arriving home I became ill. I stayed home that Monday, I was ill in bed and I had a fever. My wife gave me Quinine and was giving me liquidation. She made telephone calls trying to get an appointment with a doctor for me. The next day after my fever mounted, she made an appoiatment with a physician. I stayed home Monday and all Tuesday morning.

On Wednesday I went to a doctor on 47th Street.
81 My wife made the appointment with the doctor. I believe his name was Dr. Isaac Rosen or Rosin. R O S E N. He maintained an office over the bank at 47th and Cottage Grove. He sat me up on a little table and had me take my shirt off. He examined my back and chest and then put me under the Fluoroscope. He took my temperature and at that time it was 103.
82 Yes, he told me that. He told me I had a very high temperature. He gave me two shots of Penicillin.

Speaking to my wife, he told her to take me home, put me into bed and feed me liquids. He wrote a prescription which was filled in his office by a member of his staff. I took the bottle home, went to bed and started taking my medication. Yes, I stayed in bed. That was Wednesday night at about 9 o'clock.

I got back to the house and all that night I had been
83 perspiring and I got up about three times during the night to change pajamas. The last time I got up to change pajamas, and my wife was getting my pajamas, we heard a glass break. There was a shattering of glass and some hollering and banging on the door. I said to my wife, "God, what is that? Go to the door." So she went to the door and I heard her scream. About three police officers ran in. No, they were not in uniform. I later found out that they were police officers.
84 No, they did not tell me they were. My wife got to the front door, I heard her holler and I looked up and there were three men rushing toward me with drawn pistols. I was standing by the bed and they were in the bedroom. One of them had me by the neck, pushed me down on the bed and had a pistol on me. The other was snatching up the blanket and looking under the mattress, rugs and behind pictures. They made the place a shambles. Those individuals were dressed
85 in plain clothes.

I later found out they were police officers. I did not find out from what particular section of the Police Department they were from. I heard a couple of them say they were state's attorney's men. They slapped me around and one had me by the neck and was choking me. The rest of them were literally tearing the place up. I could not say anything. Everytime I got ready to open my mouth, they hit me in the chest with revolvers, making as if they were to strike me. I was in night clothes.

He asked me, "Where's your clothes?" He said, "If you get out from under this—your boy has come
86 in and has told us everything, so you won't get off this time." I would say it was about 4:30, 5 o'clock, Friday morning. I had gone to Dr. Rosen on Wednesday. On Thursday morning I was carried to the Crim-
87 inal Court. I don't know the name of the officer who took me over.

They got my shoes out and my necktie. I put a suit over my pajamas. They tied my hands behind my back with a tie. They took me outside. The car was about half a block down.

In the house they asked me if I had a blue suit. I said no. I put on a blue suit; my brother's. It did
88 not fit me. My brother's name is John Crump.

They took me out of the house. I was knocked down about three times while we walked about half a block to the car. They hit me in the stomach, picked me up and had a lot of amusement. They knocked me down again and were having the greatest time. They were cursing me. They accused me of being a killer; they were going to teach me how to sho a white man. Then I got in the automobile and I sat between the two officers. We were on the back seat
89 with my hands behind my back I could not keep my balance. I believe my hands were handcuffed behind me.

When the car moved and turned a corner, I leaned over on the officer on my right. He hit me and said, "Get off me, you dirty so-and-so." He cursed me. When he hit me, I would fall on the officer on my left. He would knock me back on to the other fellow.

The fellow in the front had a leather strap. He took the leather strap, hooked it back of my neck and pulled my chin over to the back seat of the car. With

90 my hands back like this I couldn't move, and both of them took turns all the way to the court building.

They were still interested in where I had hidden the money. They told me that they had checked on me; that Hudson Tillman had told them how I was dressed in blue that day and that Eugene Taylor, his brother, a fellow named Harold Riggins and I had gone out and robbed the Libby Company. They told me what I did, and how I had done it.

It was dark when we arrived at the Criminal Court
91 of Cook County Building. It was 5 o'clock on Thursday morning, March 26th. When we arrived in the parking lot, he said, "Hold it". I got out of the car and he said, "Hold it right there". I stopped and then the men from the car in the rear came up and made a circle. Everyone was kicking and striking me. They were cursing me. They kicked me from the parking lot up the stairs to the second floor. When I arrived on the second floor they put me in a room.
92 They put me in a chair and started questioning me. They had handcuffs on me. They were behind my back.

They were questioning me and telling me, "You're going to do what we want. We know the facts. All you have to do is just tell us, we got the facts. Tillman has got it, it's just as well you clear it up and get it off your chest".

I did not have any knowledge of this, I was sick and I could not think. I was ordered up on the chair. He took my hands and put them in the back end of the chair. This heavy-set fellow wearing glasses stood inside my handcuffs. He had me around my neck and was standing in the middle of the handcuffs dropping his weight on them while another fellow in front put his knee in my chest.

Because of my foot, I had on shoes a size and a half too large. He pushed the shoe down and brought pressure to bear on my foot. He was holding me on the chair and the other man was standing in back.

93 They questioned me all the time. They told me I had killed this guard, I had $20,000 and why didn't I admit it, and if I didn't "you been through this before, you know what we can do to you". It was still dark and this went on for about an hour or so.

I was in so much pain that I kicked out and the chair went over backward. There was a lot of noise. Then a man who I did not have a chance to see came in. He said, "Wait a minute, we don't have any of
94 that stuff here." The heavy-set man who was standing on my cuffs said, "I don't know what's the matter with the damned fool, he tried to break his head." I said, "You beat on me, why don't you tell the man the truth". He got up, sat me in the chair, handcuffed me to the chair and walked out.

About 6:30, 7 o'clock Mr. Bloch, who told me he was an Assistant State's Attorney, arrived. He asked me if I was ready to confess and if I wanted to tell the part I played in the robbery. I told him I had
95 nothing to say. I saw Mr. Bloch all during the day. I saw a man named Mr. Golden.

Yes, I know Captain Olson who was Lt. Olson at that time. He told me, "Why don't you help us, you are not helping us by refusing to cooperate with us. I am talking to you like a Dutch uncle." He took a rosary from his pocket and told me about his religion. He returned and asked me questions about the robbery and the murder.

96 I talked to many people that day. On that day, Thursday, I made a lot of statements. They steadily

asked me questions, about the robbery. I told all of them that I was ill and had been to a physician the previous day. I told Mr. Bloch I was suffering from extreme cold.

97 On this same day Eugene Taylor, David Taylor, Harold Riggins, the fellow that lived with Eugene Taylor, Hudson Tillman, David Taylor's older brother, one fellow I did not know and I were taken down to the lockup on the 4th Floor. Yes, I saw Hudson Tillman. I saw him with the police officers. We were never face to face. I was in a line-up that day but I couldn't tell you if I was identified by anyone.

98 They kept us down there and then we were taken back to the Stock Yards Station. That was Thursday night.

No, I didn't have any food. I was never offered any food. I can't recall if I was offered any food from the time of my arrest. I was too frightened to do anything.

I spent the night at 48th & Wabash police station. On Friday morning Captain Reynolds called me up to his office and he talked with me some more with regard to this robbery. Then I left the station and came over here to the State's Attorney's Office.

99 I got to the State's Attorney's Office, I had a talk with Mr. Austin at that time. It was on the 2nd Floor. This was in his office. Yes, a different room. When I talked to Mr. Austin there wasn't anyone present. Mr. Austin was at that time an Assistant State's Attorney; the first assistant.

Well, at that time he asked me to sit down and I sat down. He asked me did I want a cigarette and I told him yes. He gave me a cigarette and he told me I looked as if I was an intelligent fellow and was the

100 type of person that was willing to cooperate with the law, and so forth. No, he did not ask me if I had a lawyer. He said, "Well, you know there's a $5,000

reward out for the conviction and capture of whoever it was that pulled this robbery out at Libby's." I told him I didn't hear about it and he said, "If you would help me in any regard in this way I will see that you or your family come into all or some portion of this reward."

Well, at that time I told him that being as everything I had said so far had been misconstrued and just turned completely around, you know, I said I wouldn't want to say anything further because it seemed I only get myself involved, you people don't believe anything I tell you, and rather to say anything of my own I would like to have an attorney with me before I told anything or said anything to you, and he asked me, "Do you have an attorney in mind?" I told him Yes and I gave him the name of Mr. Gerber, Mr. William P. Gerber, whereupon he phoned Mr.
101 Gerber. Yes, I did hear what he said over the telephone.

(Whereupon a short recess was taken.)

At that time he told Mr. Gerber, he said, "I have a client of yours here in my office and he wishes to speak with you with regard to a matter of reward, reward money which he would come into if he would help us in this case." or words to that effect.

102 Mr. Austin hung up the phone and he turned to me and said, "Your lawyer is on his way, your attorney is on his way". I remained in Mr. Austin's presence until Mr. Gerber came. No one else was present in the room where we were.

Yes, I did hear Mr. Austin and Mr. Gerber talk to one another. Upon Mr. Gerber's arrival he asked to speak with me in privacy. He asked that of Mr. Austin. Mr. Austin left the room and left Mr. Gerber and myself there.

103 (Whereupon the Court, Mr. Lee and Mr. Cooney engaged in a discussion as regards the waiving of the client and lawyer privilege as between Mr. Gerber and the defendant, should the defendant answer the questions put to him by his defense counsel. Defendant waived the privilege.)

104 Mr. Gerber asked me to tell him word for word what was said and I did, and he told me, he said, "Well, you wait just a moment and I will go over and talk with Mr. Austin and see what is the deal here" and he left the room.

Then he came back with Mr. Austin, Chief O'Malley and Captain Reynolds. I believe there was three of 105 them. They came back into the room and when they came back Mr. Gerber told me in front of Mr. Austin, he said, "Now, Dick you hear this, and all the rest of you men for witnesses, I advise this man here not to say anything unless I am in his presence." When he said Dick, he referred to Mr. Richard Austin.

He told me, "Now, you, Paul, if they ask you the time of day, everything is secret, you ought to tell them you cannot answer except upon advice of your lawyer, me." That was Friday morning at about 12:30, I think.

After that, well, I was taken down, well after that we were all taken down, the five of us were taken to what they call the Sex Bureau lockup room. Yes, that room down on the 2nd Floor. And we were held there, sitting in a chair and handcuffed that way, to 106 the chair. No, I was not by myself. Eugene Taylor, David Taylor, Harold Riggins and myself. They had about five officers there. No pictures were taken of me. No group picture was taken at any time in this building. I had a picture taken of me when first I went down to 11th Street on that Saturday about the 21st or 22nd, I think. It was a group picture taken

of all of us together. I can't recall the exact date it was taken. When I say all of us I mean David Taylor, Eugene Taylor, Harold Riggins, Hudson Tillman and myself. As near as I can remember I believe that picture was taken on a Friday, the 27th. It was
107 taken at 11th Street station. Yes, I left this building to go to 11th Street. I am kind of vague on that point. I have to think.

On Friday, the 27th, I was sitting in the big bull-pen and they came and took David Taylor out at about 3 o'clock. They took him out and he stayed out for about a half hour and he came back and he sat there approximately 15 or 20 minutes until about 4 o'clock.

Then they took David and Eugene Taylor out and they left me there by myself. Harold Riggins had not been brought in up until that time. I made a mistake when I included him in the group that were taken down there because as I recall that was about 11
108 o'clock, 11:30 Friday. They took David and they left me there in the bull-pen with another officer, police officer.

Mr. Austin promised me if I would tell him who was the one that robbed this place that he would see to it himself that I would get a portion or all of that reward that the company had offered. I told him the, as I said, I asked them, I told him I did not want to say anything because every time I said something the people would take it and turn it around, implicate me, you know. So I told him rather than to say anything else I wanted a lawyer.

109 Yes, on Friday evening at about 11:30 or 11 o'clock they called me upstairs to the State's Attorney's Office. Yes, I went into a room where Mr. Austin, the first Assistant State's Attorney was. Mr. Austin and Captain Reynolds I know were there. Captain Reynolds of the Stock Yards Station.

I don't know the exact street of the Stock Yards Station. That the first time I had ever been in it. I actually don't know whether it's Halsted or Wabash. Yes, it is what they call the Stock Yards Station.

110 (Whereupon defense counsel asked the Court to take judicial notice that the Stock Yards Station is at 48th & Halsted. The 18th District police station.)

Yes, I went back to the office of Mr. Austin Friday evening about the hour of 11:30. I was brought into a room. When I came in I seen Mr. Austin standing by the desk, David and Eugene Taylor were sitting down and there was a man right by the door, plus there was Captain Reynolds, and like I said another officer, or states attorney by the name of James Mahoney. Another officer was there. The three, Mr. Austin, Captain Reynolds and this man who was sitting by the door and another gentleman.

Up to this time Hudson Tillman had not confronted
111 me or accused me of wrongdoing. They had brought him in once and sat him behind me. No, he never said face to face that I was with him in the robbery. No, Eugene Taylor did not say face to face that I was with him in the robbery—nor David Taylor. I hadn't seen Harold Riggins. Harold had not been apprehended. The first time I seen Harold is where I left off there, when he came into the room.

Well, Harold Riggins, I left him out. Harold Riggins was sitting by the desk also. That was the first time I had occasion to see Harold. Harold, Eugene, David, Mr. Austin, Captain Reynolds and another man, another gentleman, and there was another fellow this man that was sitting by the door.

112 When I came in the room I spoke to Harold, and Harold spoke to me and Mr. Austin began to talk to me and he was telling me certain parts. He said, "Well, Paul, you see now, you waited too late, I have no need for you. I know what has happened. I am in possession of all the facts. I know you were out, you and David Taylor and Eugene and Harold. I know you all committed this robbery. I know that you shot this guard out there. I know that you were dressed in dark clothing; I know that you had a beard or goatee with chin whiskers".

He just went on like that and was telling me the part I had played in this robbery, in this murder, and so I said I did not want to say anything.

So he told me, "Are you ready to go along with us now?" He said, "You know we got everything we need, we don't need you."

I said, "I don't want to say anything until I see my attorney. He advised me not to say anything" That
113 is when Mr. Austin told me, "Your attorney is in jail." I said, "In jail, what do you mean?" He said, "He's in jail for consorting with criminals" and Mr. Eugene Taylor told me Mr. Gerber is in jail for consorting with criminals. I felt helpless then.

He said, "Sit down" and he told me, "Now, I have David Taylor's wife upstairs and I have a warrant for your wife's arrest because I know she played an active part in the preparation of this" and that is when I started talking to him.

I asked him in what regard and then he told me what she was supposed to have done. I told him No, that wasn't so.

Mr. McGovern: Judge, let him tell the conversation "he told me what she was supposed to have done."

The Court: Sustained. Let him tell the conversation.

He said my wife had bought some rubber gloves, she had made some hoods, some masks and that was all he has said, bought some rubber gloves, that she had sewed some masks and bought some material and made some masks. I told him it was untrue, that that was a lie. I said that wasn't so. He said, "Well, I have a warrant out for her arrest, we will determine that when she gets here."

He kept on going over and over this about my wife, in regard to what I had done and the facts he had gathered, etc. He told me, "Well, I want you to make a statement, you understand, because you got all the facts". He said he didn't need it but for formality's sake he wanted me to make a statement.

I said I couldn't make any statement because I don't know what happened. He said, "Well, I will have to arrest your wife." He said, "You better think it over", so I did. I thought and I knew my wife was ill and then he told me that I was going back to 11th & State, and that's when I really got frightened.

He said, "How do you like it downstairs, how do you like it at 11th & State," etc., something like that. I didn't say anything because I knew what he was getting at.

So he told me then that, he wanted me to make this statement, or else, like I say, he was going to bring my wife in. When he said, "How do you like it downstairs," I knew what he meant because the man that was with me down in that bull-pen, he stood on my feet for half the period of time while I was down there, on the second floor of this building.

116 After this Mr. Erickson, or whatever his name was, was sitting by the door and they told me he was a court reporter and he was going to ask me some questions and he wanted me to answer.

After I made the statement Mr. Austin said, "Well, we are going to bed you fellows down for the night."

117 I told him I didn't want to go back there and he told me I would not go back, so he told me well, he made arrangements for you to go over in this witness quarters over there. Yes, in the jail building because I told him I thought it was wrong of him after telling me I would not be abused anymore to send me back to 11th Street and I know what Pape had told me before.

I left the presence of Mr. Austin that evening. I went over to the witness quarters in the jail. I went with Harold Riggins, David Taylor and Eugene Taylor.

118 The following morning was Friday, the 28th. Wait, rather it was the 28th, Saturday morning. We were brought back to the State's Attorney's Office and we were brought in Mr. Austin's office and we were sat in chairs, four chairs, and they brought a whole group of people in. I would say there was about 12 or 13 of them and there was about 5 or 6 police officers.

This Mr. Bloch, he began to read from some papers, some document he had in his hand and after he finished reading, he told us all to sign it. After he finished reading the document, he told us all to sign

119 them. Yes, I signed it. After I signed the paper, we were taken out of that room to another room back to this bull-pen.

We were told to take off our shirts. I took off my shirt and a doctor came around to us, Dr. Brams. He walked by and felt each one of us on the head and turned around. Mr. Bloch was behind, turned around and walked out. No, I did not say anything to Dr. Brams, but I told Mr. Austin prior to going down there that my hands were messed up. My wrists were messed up. No, I did not saything about my legs.

120 After Dr. Brams examined me, we went over to the inquest. The Coroner's inquest. That was held in the County Morgue at Polk & Wood Streets, Chicago. There was a hearing at the inquest. I did not testify at the inquest. They brought us from the inquest to the jail. That was the first time I was inside that portion of the jail. I don't know if I was in the jail in the Administration Building the previous night. It was in the front of the jail.

121 *I did not see a physician* when I arrived at the jail. I did make a request for a physician. I made the request to the officer that took me up to the tier. The name of the officer was William Friend. He's a guard in the jail. That day I did not obtain the services of a physician. I obtained the services of a physician about three days later.

Q. I show you defendant's Exhibit I for identification and ask the reporter to mark this as Defendant's Exhibit I for identification. (which document was so marked)

Q. Now, I hand you defendant's Exhibit I for identification, show it to you and ask you if you were pres-

122 ent when anybody made any marks on that, were you present when anybody made any marks on it?

Mr. McGovern: Object. Leading and suggestive and assuming the answer.

The Court: Sustained.

Mr. Lee: Question: Well, did a physician come and examine you?

A. He came and examined me three days after that, yes, three or four days.

Mr. Lee: Take the witness.

Oh, by the way, if your Honor please, defendant's Exhibit I for identification happens to be an official record of the man's incarceration as an inmate of the County Jail.

Now, I have an opportunity, as I present it to you, I will be within the law because it is a record and on a motion of this nature—

The Court: If you made the proper foundation for its receipt in evidence, I will look at it, but not before. I can't take judicial notice of that.

123 Mr. Lee: I am doing it on this motion only. Later on I will get it properly admitted.

The Court: I don't know that there is any deviation from the rules of evidence in this case, this kind of hearing than in a hearing in chief. I don't want to make it difficult for you but I want to follow the law.

Mr. Lee: Take the witness.

Cross Examination by Mr. McGovern.

I was arrested for the first time on the 20th of March. It was a Friday, I believe. Yes, I was taken to the Stock Yards Station. When I got to the Stock Yards
124 Station I was questioned by Captain Reynolds.

Yes, Sergeant Pierce questioned me. He was in plain clothes. Yes, I knew Sergeant Pierce. I found out who he was. Yes, I knew him before I saw him that night. It would be a matter of a few months that I had known him. A few months before March 20th. That would be about the month of January. I had

125 seen Sergeant Pierce on 43rd Street. That was in the daytime. I don't know if it was in January or not. I could not give you a definite month. It was—I couldn't say definitely when I seen the man. It was in the daytime, I was alone. After I saw him on 43rd Street I seen him at the station. It was on 43rd & Cottage Grove, I believe it was. I was walking down the street alone. I can't recall how long I talked to
126 Sergeant Pierce at that time. I couldn't tell you that he was then an officer of the Stock Yards District, I don't know. I did not know him before the time I saw him on 43rd Street. That was the first time I had ever seen him.

When I was brought into the room at the Stock Yards I was brought into a small room. It wasn't a very small room, it was normal size room. But it was smaller than the room we had came into upon first entering the place. I came into a room when I first entered the station. No, that wasn't a small room. Larger than the one we were rushed into later on. I
127 could not give you any estimation of the dimensions. The next room I went into the smaller one, I couldn't give you any estimation on those dimensions only to say it was smaller than the room we came into when we came off the street. I know it was smaller than the room we came into. I couldn't tell you the dimensions, no.

I don't know if I said that amount but there was around 17, 18 people, in this room. They were all
128 bunched up together. That is the smaller of the two rooms. Yes, I was in there, in this small room. Eugene Taylor was in the smaller room. I was stripped of all my clothes at that time. Yes, we were standing in a bunch. There was no necessity to move. I moved.

I must have had some room. I took my clothes off
129 after that. Yes, there were 17 or 18 people bunched all around me. They were before me, yes, but they were all around me because my back was to the wall. They covered, I would say like a semi-circle, like that.

Captain Reynolds asked me some questions. Yes, later on Sergeant Pierce asked me some questions. I can't recall specifically if Sergeant Pierce asked me questions at that time. No, at that time Captain Reynolds was not the one that was asking the questions. All of them was asking me questions. I don't say all of the 17 or 18 were asking me questions but there
130 was a large group of them asking me. I couldn't say how many. No, when Captain Reynolds was asking the questions I was not sitting down. When Captain Reynolds was asking me questions I was in the process of undressing. He was asking me questions when I got my clothing off.

After I got my clothes off I was told to turn around, hold up my feet, spread my legs, etc. I did that. Captain Reynolds and a few others told me to do that.
131 I didn't know Captain Reynolds prior to that time. No, I did not know anybody in the room prior to that time.

Others was asking me questions even during the time Captain Reynolds was asking me. Later on I did put my clothes back on. Yes, there in the room. When we finished answering questions they handed them back to us piece by piece. I put them on and I sat down in the room. I can't recall if there was a desk there.

I would say we were in the room about an hour.
132 We got there approximately 11 o'clock. At approximately 11 o'clock, something to 11. I would say that

when they took us back to lock us up it was about an hour or so after we arrived. I couldn't say that I left the room about midnight. I didn't see a clock. We were taken back to the cell. No, we did not have our personal property. There were people all around. Yes, somebody took me back and kicked me into the cell; opened the door and kicked me. No, I did not fall. I fell over onto the bench. They have a bench
133 running around in the cell. Yes, I fell partially, partially sitting and partially laying over. That was from the force of the kick. I was kicked once when I was kicked in the cell.

When I was at Stock Yards Station they asked me about a killing. Yes, that was the killing at the Stock Yards here in Chicago, that's what they had reference to, I imagine. Yes, when they asked me about the
134 killing at the Stock Yards Station I denied it. Yes, I told them I did not do it and did not know anything about it.

The following day was Saturday. I can't recall too well whether that was the day they transferred us. I am sort of vague on it. Yes, I know I went down to
135 11th & State Street. No, I am not positive. Yes, I was placed in a cell there. Yes, there were other cells, in a cellroom. No, the lockup keeper did not ask to see what property I had. That was prior to going into the cell.

Yes, when I was asked about the property I had I was put in the room where the cells were at 11th & State. I was in the process of emptying my pockets
136 when I was kicked on my foot. I was kicked once, Yes, it was hard. It was more of a stamp than a kick. No, it was not on the instep of my foot. It was right on the toe of my foot. After that I was put back in a cell at 11th Street.

I was put in the cell on Sunday morning. It was early in the morning. No, it wasn't dark out. No, I hadn't seen Lt. Pape up to that time. Yes, after I
137 was in the cell there at 11th Street, I was taken out of the cell. Yes, I went down there and made some show-ups. I would say approximately altogether about 17. Yes, I was going to make a big show-up. I don't know the exact time when it was supposed to have been. No, I do not recall anybody saying at what time it would be. I know it was held on Sunday or something. Yes, I knew that before I ever got to 11th & State. At the time they come to take us out I heard it mentioned.

138 Q. How long had you known there such a thing as a big show-up before you got to 11th Street on the Sunday you are telling about?

Mr. Lee: I object to the question.

The Court: Overruled. He may answer.

A. Yes, I overheard that we were being taken down to the big show-up. That was the first time I heard it
139 mentioned. I had been to 11th and State once before.

No, Lt. Pape did not question me about the killing
140 at the Stock Yards. I didn't say he questioned me. Yes, Lt. Pape asked me where Hudson Tillman was. I identified Mr. Pape only by voice. His voice sounded like Lt. Pape. I don't know that Lt. Pape was in charge of the Robbery Detail. Yes, he asked me if I knew where Hudson Tillman was and I said I did not know.

No, never what you would say, when talking to me, did Lt. Pape ask me if I committed the robbery at the Stock Yards. He told me I was there. Yes, I said I was not there. Yes, all the time I was at 11th Street I denied I was ever in the Stock Yards on the date of

141 the killing. Yes, I denied I had ever committed the robbery at the Stock Yards. Yes, I also denied I ever killed anyone at the Stock Yards.

I was released from 11th & State Street on Monday. I believe it was on Tuesday, yes, it was Tuesday or Wednesday I went to see the doctor.

It was at night when I was taken out of my cell and blindfolded. It was just getting dark. Yes, I had
142 some object around my arms. Yes, I was elevated from the floor. I was struck about the stomach and back of the neck and chest. I was kicked on my foot and like that. Yes, I believe I was kicked on my legs. Yes, I was struck over the lower part of my body. I was slapped a couple of times. No, I don't know what I was being struck with. Yes, I knew it was some hard object. No, I couldn't see what it was. Yes,
143 when I was being struck on the neck I did cry out. When I was struck in the stomach sometimes I could holler and sometimes I could not get my breath to say anything. Yes, when I was struck I was struck hard. Yes, hard enough to knock the breath out of me. When they kicked me in the legs and in the feet they kicked me hard then. Yes, I knew I was being struck with some hard object. This kicking and striking went on at intervals during the time I was hung up on the door. Yes, I was being asked questions then
144 about this killing at the Stock Yards. Yes, I was being asked questions about the robbery at the Libby, McNeil & Libby Company in the Stock Yards. Yes, during the time I was hung up and during the time I was being struck, I was still denying that I robbed anybody at the Stock Yards.

Yes, when they took me down off the door I just fell down. After this object was taken off my arm

that's when I felt the pain like needles and pins in my arm. Yes, during the time I was hung up or in an elevated position off the floor my coat was off. Then on my way back to my cell I said that I was turned
145 around. No, they had not done that to me when they took me out of my cell the first time.

(The defendant requested a short recess. A short recess was taken.)

When I was taken off of this place where I had been elevated I was then taken back to my cell. When I was being brought back to my cell, I said that at various times I would be stopped and turned around. Well, I was being helped and then they would turn me around. Yes, I was being held up. I was walking
146 and the person that had me—he was on my left side. One around the waist and on the belt like that and the other one by the arm. He never let go of me during the time I was going back to the cell. I was turned around three or four times. Yes, I believe I was completely turned around. And the man I said was helping me, I don't know where he walked me to. Like I said, I walked, he would say, "Watch it" and I would be turned around and I would proceed in another direction. I don't know which direction it was.

147 The next day, Monday morning, I saw Lt. Pape. I was on the 5th Floor, I believe I was taken to. Yes, Lt. Pape again asked me about Hudson Tillman. Yes, he asked me about the killing at Libby, McNeil & Libby Company at the Stock Yards. Yes, he asked me about the robbery at Libby & Company at the Stock Yards here in Chicago. Yes, I denied that I had participated in the killing at the Stock Yards at the Libby, McNeil Company. Yes, I denied I knew anything about the

killing or robbery at the Libby, McNeil & Libby Company in the Stock Yards here in Chicago during the
148 month of March, 1953.

After I was released I was questioned by Mr. Bloch out here in this office, out in this Criminal Court Building. Mr. Bloch questioned me after I was brought into the State's Attorney's Office here. He asked me about the killing at the Libby, McNeil & Libby Company. Yes, I told him I did not do it when I answered him. Yes, he asked me about the robbery at Libby, McNeil & Libby Company during the month of March, 1953 and I denied that I had participated in the robbery.

149 Yes, when Mr. Austin questioned me here in this building he asked me about the killing and the murder at Libby, McNeil & Libby Company in the Stock Yards during the month of March, 1953. Yes, at all times when I was talking to Mr. Austin I denied that I had participated in the killing at Libby, McNeil & Libby Company in the Stock Yards during the month of March, 1953. Yes, when Mr. Austin questioned me I also denied that I had ever participated in the robbery which occurred during the month of March, 1953 at Libby, McNeil & Libby Company.

150 Yes, I said I was in an office on the night of March 27th in the State's Attorney's Office. Yes, Mr. Austin was there. Yes, I said a man named Erickson was present there at that time. I later found out his name was Erickson. Yes, he was a court reporter. Yes, Harold Erickson was in that room. And Eugene Taylor was in that room. Yes, David Taylor was in the room. Yes, I was brought into it.

151 Yes, I said that Mr. Austin told me my lawyer was in jail. Yes, he told me that he had a warrant out for

my wife. He told me that Dave Taylor's wife was in custody. He said he wanted me to answer some questions. I don't know exactly what my reply was at that time. I told him, I believe I told him that I didn't want to say anything until I see my lawyer, or see a lawyer. Yes, I said Mr. Austin also told me
152 that he wanted me to make a statement. He said he would send me to 11th Street and inquired as to how I liked it downstairs. That is when he started asking the questions. He asked various questions along the same lines I had been asked ever since the first time of my arrival. It was about different things that related to this robbery. I can't recall the questions offhand. Well, it was did I participate in the robbery, etc. I told him Yes.

Well, he asked me a lot of things I don't know how to explain to you. He would ask me questions and he
153 would say, he says, now you did so and so, didn't you and I would say yes. He would ask another along that line and I could always tell from the inflexion of his voice just approximately which way it should be answered. I would be asked the same questions exactly since I had been arrested on the 20th.

I can't recall what I told him. I remember he said to me "Your attorney is in jail for consorting with criminals". He also told me that he was in possession of facts what I had done out at the Stock Yards.

Q. You remember he told you about your wife. You
154 remember all the events that took place when he called Mr. Gerber, you know all that, don't you?

A. Yes.

Q. You remember all the conversation about that, don't you?

A. Yes.

Q. You remember the conversation that took place the first time you were arrested, don't you?

A. Yes, in general yes.

Q. After you said you would make a statement. That's what you said.

A. He began to ask questions.

Q. Tell us what you said.

A. I made some answers.

Q. What were your answers?

A. I can't recall offhand which particular one you refer to.

Q. I am referring to all your answers. What were they?

A. He asked me was I with David Taylor, Harold
155 Riggins and Gene Taylor on the 20th. No, he put it like this. He said you were with David Taylor, Harold Riggins and Gene Taylor on the 20th, weren't you? I said Yes.

Q. What else did he ask you?

A. He would ask this: "You were at the plant of Libby on the day of the 20th weren't you?" I said Yes.

Q. What else.

A. I can't recall all of it. I can't make any distinction between the questions he asked me at that time and the ones that had been asked me prior to this.

Q. Well, what else did you say to him without saying the questions that were asked. What else did you say to Mr. Austin that night of the 27th.

A. I asked him not to send me back down to 11th Street.

Q. What else did you tell him about this robbery and killing at Libby, McNeil & Libby Company on March 20, 1953.

A. I can't recall offhand because they were not my words.

156 Mr. Lee: I want to interpose an objection, for the purpose of the instant motion. The interrogation along that line, as the substance of the statements that were made has gone far enough and it isn't the substance of the statements that my motion is pointed to, but rather the statements, whatever they were are admissible, and a judge proceeding in making an effort to decide that issue will not be helped in determining the admissibility by the substance of them.

The Court: He has a right to test the witness' recollection. If there is a question how far you can go, the witness has said he doesn't remember but he remembers certain things and I think the cross-examiner should be allowed some leeway.

Mr. Lee: Sure.

The Court: The question whether they are going too far in presenting the question when the witness says he doesn't remember, as I said before he said he doesn't remember certain things. Go ahead. Overruled.

157 Mr. Lee: Let him refresh his recollection.

The Court: This will have to come to an end some time.

Mr. Lee: Very well.

Mr. McGovern: Mr. Witness, then at that time, on March 27th, 1953 in the evening when you were being questioned by Mr. Austin, you admitted that you participated in a holdup at the Libby, McNeil & Libby Company in the Stock Yards on March 20th, 1953, is that right?

Mr. Lee: Object. May I be heard?

The Court: Yes, you may be heard.

Mr. Lee: Or will you make a ruling without—the word "admitted" is a conclusion, Judge. The form is not good.

The Court: I will sustain it on the word "admitted". You may ask him if he said he did it, or reframe the question. But I will sustain the objection to that question.

Mr. McGovern: Q. You, on the evening of March 27, 1953, when you were being questioned by Mr. Austin, as you have testified, did you tell him that you had participated in a robbery at the Libby, McNeil & Libby
158 Company in the Stock Yards on March 20, 1953?

A. Well, yes and no.

Q. Is your answer "Yes" or is it "No"?

A. It's Yes and No. I told him Yes and I did not do so voluntarily.

Q. Did you tell him what you did?

A. Yes.

Q. Now, did you tell Mr. Austin on that same night in his office in this building on March 27, 1953 that you had shot a guard at the Libby, McNeil & Libby Company on March 20th, 1953?

Mr. Lee: Object, Judge.

The Court: Overruled.

Mr. Lee: Can I give my reasons?

The Court: Sure, you may.

Mr. Lee: The reason is that there has been testimony here to the effect—

Mr. McGovern: May we have this hearing outside the presence of this defendant.

(The Court and counsel confer in chambers.)

The Court: Motion overruled. The witness may answer.

159 The Witness: Yes, I did.

Mr. McGovern: Q. On that date, March 27, 1953, you confessed to Mr. Austin that you had participated in a robbery at Libby, McNeil & Libby Company on March 20, 1953, is that right?

Mr. Lee: Object to "confess".

The Court: He has answered that he did participate. He said he participated. I will sustain the objection.

Yes, Mr. Erickson was also present during the time that I was making this statement. I didn't notice if he was writing in his book. I imagine it consumed 15 or 20 minutes giving this statement to Mr. Austin.

Q. And that was the first time that you had admitted to anybody that you had participated in this robbery at the Libby, McNeil & Libby Company on March 20, 1953, is that right?

160 A. No, I don't believe it was the first time.

Q. It wasn't the first time.

A. I don't believe it was, no.

Q. When was the first time?

A. I may have during the many times I was interrogated.

Q. Not what you may have, Mr. Witness. Did you or didn't you?

A. No, that wasn't the first time.

Mr. Lee: That's the answer to the question. He answered the question. Put another question.

Mr. McGovern: Now, when was the first time you admitted that you participated in this holdup?

A. I think, I believe I made an admission to some portion of participation in the crime two days previous to that or a day or so previous to that.

Mr. Cooney: Move to strike the instance, he believes. It's a question whether he did or not, that's the question.

Mr. Lee: The belief of his as to time.

The Court: Just tell whether you know or not. I will sustain the objection.

Mr. Lee: The answer is there.

161 The Court: I will strike the answer. Let him answer over again.

The Witness: What's the question.

Mr. McGovern: Q. When was the first time you admitted you committed a robbery at Libby, McNeil & Libby Company.

A. I am not definite about the date.

Q. Where was it?

A. At the State's Attorney's—I mean when the State's Attorney, or somewhere in one of those offices.

Q. Who did you make the confession to?

Mr. Lee: Object to "confession".

The Court: Well, he can ask the question.

A. I think Mr. Austin was asking me questions.

The first time I admitted this was one or two days before the 27th. About one day, day and a half, one day. Yes, I believe Mr. Austin was the man who put the

162 questions to me. No, I don't believe I told Mr. Austin at that time that I had killed a guard at Libby, McNeil & Libby on March 20th. I can't recall offhand if there was a court reporter present at that time. Yes, I believe it was in the morning hours. I believe Captain Reynolds was there. I can't recall anyone else there. Oh, Eugene Taylor was there. Yes, Eugene Taylor is the same man I was arrested with on the night of the 20th. Yes, I believe he was asked questions by Mr. Austin at that time.

Q. You understand the time I am asking about is the first time you made a confession to your crime at Libby, McNeil Company.

Mr. Lee: He is going far afield in using that word "confession" in that way.

163 The Court: I can't stop the attorney from asking questions. Overruled.

Mr. McGovern: Q. And the first time that you confessed being in this robbery at the Libby, McNeil & Libby Company on March 20th, 1953, you said that Hudson Tillman was inside the Libby, McNeil plant at the time of the robbery, didn't you?

A. I don't know my exact words, Counsel.

Q. And how long were you questioned by Mr. Austin on this first time you made a confession to the crime in this robbery.

A. Well, I was questioned, he asked me questions for approximately a half hour or so.

Q. And he also asked Eugene Taylor questions didn't he?

A. Yes, sir, he did.

Q. Now, when was the last time you had seen Hudson Tillman before March 20th, 1953.

A. Before March 20th?

Q. That's right.

Mr. Lee: I object before he answers because it isn't pertinent to the issues right now.

Mr. McGovern: He said he went to his house with
164 Eugene Taylor or to go to see him and that's how it happened he was arrested there.

Mr. Lee: That was a circumstance attendant on his arrest.

The Court: Some of these things, of course, there's no way of knowing how pertinent they are. If they are not pertinent it will be disregarded. I will overrule the objection. Let him answer if he can.

I hadn't seen Hudson Tillman at any time before March 20th, before March 20th since when I moved out to my mother's address. I hadn't seen Hudson

Tillman during that period of time nor had I seen him until the 26th, the 26th of March, 1953. I had seen him in 1952. That was the last time I had seen Hudson Tillman before March 26th, 1953. I had never been confronted face to face with Hudson Tillman and accused by him of any crime.

165 (Whereupon an adjournment was taken until 10:30 A.M. Tuesday, November 29, 1955.)

166 Before the Honorable Elmer N. Holmgren.

Court convened pursuant to adjournment Tuesday, November 29, 1955, 10:30 A.M.

Present: Mr. Joseph V. McGovern
Mr. Robert Cooney
Mr. Stephen Lee

PAUL CRUMP, the defendant herein having been previously duly sworn, resumed the stand and testified further as follows:

167 *Cross Examination by Mr. McGovern.*

No, I did not say that I was across the street from the Tillman house at the time I was arrested. I was right at his door. I was dragged and pushed across the street, that was by one of the officers. Yes, during that time I was being struck by that officer who dragged me and pushed me across the street. I was being struck about the arms, the shoulders and swinging at my head, but I held up my arm. He was swinging at me with a pistol, a revolver. No, it was not the butt end of the revolver. It was the barrel end.

168 Yes, I put up my hands and warded off those blows that were coming at my head as best I could. Yes, he struck me with that revolver in the arms and in the chest and stomach and across the shoulders. That was in the process of being dragged across the street.

While I was being brought back to Tillman's house I was prodded along. I don't think he swung the revolver at me. He was behind me. I can't tell whether he was swinging or not. He did not hit me in the head at any time with the revolver when he was swinging at me. Yes, I took all those blows on my hands.

169 When I was in Tillman's house I was kicked. I was kicked once in the side and once on the foot. He kicked me twice and that's all. No, no one else kicked me then. No one struck me at Tillman's house.

When I was arrested on March 26th I was struck while I was at my home. When I was at the house, inside the house, on the bed. I was slapped across the face a couple of times and on being carried outside they had a tie on my face and they changed the tie to handcuffs and as they were taking me down to the squad-car, the car they had parked on Racine.

I was knocked down approximately three times be-
170 tween the house and the car. I was struck with hand when I was knocked down. I fell partially on the sidewalk one time and partially on the lawn in front of the house there. When I was knocked down I was struck from the side. No, it was not in the head when I fell down, it was in the ribs, in the short ribs. I was not hit in the head. I was not struck in the face. I was struck hard enough that it took the wind out of me and I had to fall. When I was down I had to get
171 my wind back. I was lifted up. Yes, I started walking after I was lifted. After I started walking I was struck and knocked down again. Yes, I was lifted up again. Yes, I was able to walk along then after I got up the second time. I had to, I was compelled to. I was knocked down three times. On my way to the

172 office, the officers were striking me in the car. They struck me in the ribs. I was hit across the forehead so many times I couldn't count them. No, I was not struck any other place other than the head. They would hit me, one would hit me on one side with his elbow and I would fall to the other and he in turn would do the same. They hit me with elbows in both sides. They struck me very hard.

173 I was arrested at 1231 West 110th Street. I was taken from 1231 West 110th Street to this building, 26th Street and California Avenue. At all times I was being physically and verbally abused. They were striking me as I testified. No, I don't believe I was knocked down on my way into the building. I was kicked and struck. I caught one kick right on the in-
174 side of my thigh, because I threw my leg up to ward off further blows because I was afraid they would kick me in my private parts. At that time other blows were coming in the stomach, in the back and up side of the head. I got hit in the head at that time with the hand. No, I could not tell whether it was any type of object that was hitting me at this time. I couldn't possibly count the number of blows.

175 This kicking and striking continued as I was going up the steps. One of the officers would run up ahead of me and when I would get within his reach he would kick me. He would kick me in the stomach, in the side and wherever his foot would land.

I was struck some more times when I got in the State's Attorney's Office. I was struck about the head. At that time I had a hat on. The hat was
176 pulled down over my face and I was beat across the head with a book that one of the officers had gotten off a metal cabinet. Yes, I was struck numerous times

with the book. I was struck in the stomach, the chest, on the arms and my foot was stamped upon and kicked. They were just misusing me. I didn't get the wind completely knocked out of me, but they were taking my breath away.

177 I got a fleeting glance of a man standing in the back in the State's Attorney's Office. After I screamed and kicked over the chair and made a lot of commotion the man returned. I kicked over the chair I was sitting on and I fell backwards. My shoulders hit the floor first. I kept my head in an elevated position. Yes, the chair went completely over backwards. I
178 was handcuffed behind the chair, just behind me.

If the 24th of March was a Wednesday, that's the day I went to see Dr. Rosen. I don't recall the exact date, but I recall it was on a Wednesday. I did not go to the doctor the day after I was released from 11th & State Street. We were trying to make an appointment. I did go to the doctor the day after. That
179 was for a fever I had. No, I did not have a cold. I did not know what it was at that time.

Yes, when I was at the 18th District on the 20th, two uniformed men came into the cell, that is on March 20th, after I was arrested and I said I talked to Captain Reynolds. After I was taken from Tillman's house. I was asked questions by Captain Reynolds and then I was placed in a cell in the lockup. Officer
180 Pearson came to see me on the 20th. I said two officers came to see me. I am very vague on those dates. It's a long time ago.

At 11th & State, the police building, before I was elevated I had been in a cell. I was blindfolded and taken out of my cell. It was approximately 9 o'clock
181 P.M. As near as I can recall I was taken back to my cell some three hours later.

When Officer Pierson questioned me that first night, at the Stock Yards Station he slapped me across the face. No, he did not strike me in the face with his fist.

Yes, I testified that I talked to my attorney, Mr. Gerber in Mr. Austin's office. The State's Attorney's Office. Yes, Eugene Taylor was there when I talked with Mr. Gerber. No, David Taylor was not there. It was just Eugene and I. I talked with Mr. Gerber for about fifteen minutes. After I finished talking to him
182 he got out and walked out of the office. He said he was going to see Mr. Austin.

Before Mr. Gerber came back they brought Mr. David Taylor in the office. No, there wasn't any conference with Mr. Gerber, Gene Taylor, David Taylor and myself. They signed a little note to the effect that they were retaining Mr. Gerber as their attorney. I can recall a conference with Mr. Gerber and Eugene Taylor, but I can't recall any lengthy conversation or anything with David with the three of us together.
183 I don't know what the note signing was about. It did not include me.

On March 28th Mr. Austin and Mr. Bloch were reading from some documents as to what they were I did not follow the deliberation real close.

184 I don't know if I voiced an opinion when the question was asked had I had any ill treatment in the State's Attorney's office. I had not had any ill treatment in the presence of Mr. Austin or any of the high officials. The question was asked while I was in the State's Attorney's office with emphasis on the State's Attorney's office. No, I had not had any ill treatment in the presence of the State's Attorney. If you are
185 including the time when I was first brought in, I would have to say "no".

Q. Now, when you were in the State's Attorney's office on the morning of March 28th, didn't a lady ask you how you had been treated?

A. No, sir, I don't recall any time during the whole of the—

Mr. Lee, let me interrupt one second. The State's Attorney at this time is using a transcript of some nature. I don't know what it is exactly.

Mr. McGovern: If Mr. Lee wants to come over and stand behind me, I am perfectly agreeable to have him check it.

Mr. Lee: Let me finish, will you, as a matter of procedure. If he is using a transcript that contains questions and answers that were given by this man, ordinary procedure demands that he at this time state the questions and answers supposedly given to them, in a motion of this nature in which the rules of evidence are different, and I think the Court's decision by the pre-
186 siding Judge is discretionary, and I might also add that on account of that discretion you don't adhere exactly to strict rules, but nevertheless, if it isn't properly presented now, it is going to deprive the Judge listening to the motion of all he would be entitled to.

So instead of phrasing his questions at this time for stereotyped questions and answers, he should give the question and answer and ask if it is true.

The Court: Well, I wasn't aware of the fact.

Mr. McGovern: May I answer, please?

The Court: Yes, do you want to answer?

Mr. McGovern: Yes, Judge. It is my understanding of the law at this time. I am merely attempting in some way to lay some kind of foundation—my understanding is that I have no right to attempt any kind

of impeaching question without having first laid the foundation for it. I intend to, by proceeding in the manner as outlined. No foundation has been sufficiently laid that requires a person in asking these questions—

The Court: I wasn't aware of the fact that the State's Attorney was reading from any transcript. I see that he has some kind of record before him, what
187 the nature of it is, of course I don't know, and there have not been any questions asked that would tend to impeach in the sense that there has been anything read from that transcript, if it be a transcript, in the form of questions, asking whether or not a certain question was asked and if at that time a certain answer was given. The mere fact that he has a transcript before him, I can't stop him from having it, and I will at this time overrule the motion.

Mr. McGovern: Now, you testified, did you not, before His Honor Judge Frank Leonard here in this building in the Criminal Court Building of Cook County during the month of of June, 1953, isn't that correct?

A. Yes, sir, I did.

Q. And that was in a case entitled The People of the State of Illinois *versus* Paul Crump, isn't that right?

A. Yes, sir.

Q. Now, you were questioned before Judge Leonard by Mr. Bloch, Assistant State's Attorney, weren't you?

A. Yes, sir, I was.

188 Q. You were asked questions by Mr. Bloch concerning your being in the State's Attorney's Office on March 28th, 1953, isn't that right?

A. I believe that's one of the questions, yes, sir.

Q. And he asked you questions, did he not, about statements being read to you on that morning of March 28, 1953, is that correct?

A. Yes he did.

Q. Did Mr. Bloch ask you these questions and did you make these answers before the Honorable Frank Leonard in the case in which I have previously mentioned here during the month of June, 1953? The first few questions are preliminary, Your Honor.

"Q. I understand you to say you did not recall any of the answers that were read there, is that right?

A. No.

Q. Did you not make any of the answers?

A. No, I did not.

Q. And then you were asked at that time how
189 you had been treated?

A. Yes, I were."

Were you asked that question by Mr. Bloch and did you make that answer?

A. If that is in the record of the proceedings, yes, I did.

Q. Were you asked this question?

"Q. What did you say?

A. I was asked at that time how I was treated while I was in the State's Attorney's Office."

Were you asked that question and did you make that answer, sir?

A. If it's in the record, yes.

Q. Were you asked this question

"Q. What did you say?"

And did you make this answer:

"A. I said, I don't know the exact words, but I hadn't had any ill treatment while I was in the State's Attorney's Office."

Were you asked that question and did you you make that answer, sir?

A. Yes, sir.

Q. Now, were you asked this question by Mr.
190 Bloch:

"Q. That you did not have any ill treatment, isn't that what you said?

A. That's right."

Q. Were you asked that question by Mr. Bloch and did you make that answer?

A. If it is in the records of the proceedings there, yes, I did.

Mr. McGovern: Judge, may I beg the court's indulgence for just a moment.

Q. Didn't you say when you testified before Judge Leonard that you never made any confession?

A. I can't recall, sir. I know that it was never asked—rather what I would say is that I did not make one voluntarily.

Mr. McGovern: I move to strike the answer, Judge.

The Court: Read the answer.

(Answer read)

The Court: I will let the answer stand. Overruled.

Mr. McGovern: Q. Now, you were again asked questions as I referred to previously before His Honor Judge Frank Leonard in the Criminal Court of
191 Cook County during the month of June, 1953, that's correct isn't it?

A. Yes, sir.

Mr. Lee: The objection I now make isn't to deprive any testimony here that might be of value, but it is to expedite the matter of an extra-judicial statement. Any statements that were made in the courtroom not pertinent to this because they are judicial. We are going to extra-judicial statements, and what he said in the courtroom at a prior trial has no bearing whatever on the issues before Your Honor at this time.

The Court: No, I see no reason why they can't use any questions and answers in impeaching as at any other time in this proceeding on evidence produced in support of or against this motion. If you can show me that isn't right, I would like to be shown.

Mr. Lee: I can't ad dto what I have said. If that is your view of it, all right.

The Court: Then I will overrule the motion.

192 Mr. Lee: I am trying to distinguish between what is said by a man in a courtroom as being a judicial statement and in contra-distinction of what we arrived at.

The Court: I am afraid I don't understand you. They are attempting to use the testimony that was produced at a prior hearing to impeach him on cross examination, to impeach statements that were made on direct examination, and I see no reason why they can't do it. When you talk about judicial and extra-judicial I don't understand you. Can you make yourself clear on that? Maybe I am dense, but I don't get it.

Mr. Lee: Well, Judge, we are trying to keep out of the trial the suppressed statements that the defendant made at the time of his arrest and before he was charged, and everything should be confined to what happened before he went to trial. An extra-judicial statement is one made outside the courtroom when he

isn't under oath, and that was made, as stated, under coercion.

Now he is bringing in something, and we will never get over this motion, he is bringing in something that took place in June, 1953, in the courtroom of his Honor, Judge Leonard. That is six, seven or eight months
193 later. So what has that to do with what happened back in March, 1953—not six months, three or four months.

The Court: It has only this to do with it, that they by attempting to show that different statements were made on another occasion after these alleged occurrences, that different statements were made than are being made on direct examination in this case, and that's the only reason such evidence might be permitted. I will overrule your motion.

Mr. Lee: All right Judge. I want to expedite the matter too.

Mr. McGovern: Q. Now, when you were questioned before Judge Leonard by Mr. Bloch were you asked this question, and this is preliminary, Your Honor:

"Q. There were four statements read to the jury the other day, People's Exhibits 45, 46, 47 and 48. Which statement of those four was it that you said was read to you when you were in the bull pen before you were called in.

A. It wasn't read to me when I was in the bull pen. It was read to me in Mr. Austin's office after I came from the bull pen at twelve o'clock that night.

194 Q. Was that statement that you are referring to the one that was read to you when you were in Judge Gutknecht's office, the one you had made the day previous together with Gene Taylor?

A. I hadn't made a statement the day previous to that day."

Q. Were you asked that, sir, and did you make those answers?

A. If it's on the record, sir, yes I did, but—

Q. You hadn't made a statement?

A. No I hadn't.

Q. Were you asked that question and did you make that answer, sir?

A. Yes, sir.

Q. Were you asked this question by Mr. Bloch, "In other words, you say that you did not make people's Exhibit 48, which was a joint statement of you and Gene Taylor taken on March 26th, 1953, at 1:45. You say you never made such a statement?"

A. I made answers to a bunch of questions that
195 was asked me but it wasn't a statement, confession to my part in any type of robbery.

Q. Were you asked that question and did you make that answer?

A. Yes.

The Court: What's the answer?

A. Yes, sir.

Mr. McGovern: Was that answer true?

A. I beg your pardon?

Q. Now, were you asked these further questions by Mr. Bloch:

"Q. Did I understand you to say that you never told anybody while you were in custody that you had in fact participated in the holdup of Libby, McNeil & Libby?

A. No I did not."

Were you asked that question and did you make that answer?

A. If it's in the record there, yes sir.

Q. Were you asked this question:

"Q. So you never made a confession then?

A. No, I never made a confession."

A. If it's in the record, yes sir.

Mr. McGovern: That's all, Your Honor.

196 *Redirect Examination by Mr. Lee.*

This morning Mr. McGovern asked me questions pertaining to Exhibit 48, purporting to be a statement jointly made by me and Eugene Taylor. I believe it was Exhibit 48. I think it was Thursday, the 27th, the first time I made statements admitting my partici-
197 pation in the robbery.

Yes, I made those statements jointly with Eugene Taylor. Those statements were reduced to writing. I did not sign them. Subsequently, in the courtroom of Judge Frank Leonard I heard Mr. Bloch, the then Prosecuting Attorney with Mr. McGovern, make a
198 statement with reference to Exhibit 48. That Exhibit 48 being proven false and it was full of lies, and so forth, and that was why it wasn't any good, or something like that.

I was asked to sign that statement with Eugene Taylor. I did not sign it. The statement by me and Eugene Taylor was made in the State's Attorney's
199 office. We were not sworn under oath at that time. When I was asked to sign it I said I would not because it was a lie.

Q. Now, with reference to the question that was asked you as to the treatment accorded you in the State's Attorney's office and you answered that question in the affirmative; by the State's Attorney's office what do you mean?

A. I meant while in the presence of the State's Attorney.

Mr. McGovern: I am objecting to what he means. The record speaks for itself.

The Court: Yes, sustain the objection. He has already said that's his meaning. He has already said that.

The Witness: I did not at any time see a warrant for my arrest. After I went to the Coroner's hear-
200 ing on Saturday, March 28th, I then went to the County Jail. My prior visits to the County Jail were not within the County Jail proper.

Recross Examination by Mr. McGovern.

My visits prior to the County Jail was not in the County Jail proper. I am talking about the night of the 27th, I believe it was. We were bedded in the front quarters. Yes, in the witness room.

201 (Witness excused.)

202 MAXINE CRUMP, called as a witness on behalf of the defendant, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Lee.

My name is Maxine Crump. I live at 1231 West 110th Street, Chicago, Illinois. I was living at that address in March, 1953.

On or about Thursday, March 26th, I had an occasion
203 to be at home. Yes, something did happen; it was around 2:30, 3:00 in the morning. Some policemen arrived at the house and I heard noises, in fact they almost busted in. They came upstairs first because we live upstairs, my mother and I.

When we opened up the door they came in right away. No, they did not tell me who they were. They said they were looking for Paul Crump. Later, after they went downstairs, my mother told them he was
204 downstairs in bed. They were down and took the butt of the pistol and knocked the window out of the door and opened it up and went in and after they got on the inside they asked him where was the money. They jerked the covers off and made him get up and took a suit of clothes out of the closet and made him put it on.

The only thing I heard, they were asking where's the money. They were tearing up the place. I did not hear anything said about the suits. They took the belt and handcuffed him with it. They tied his hands behind his back with the belt. While I was downstairs I did not see any of those men hit him.

Prior to the 26th day of March I had an occasion
205 to go to a physician with my brother. Yes, I made the appointment with the physician. I am a sister of the defendant.

I saw my brother at my home and his home on or
206 about Monday, the 23rd of March. I cannot recall what my brother did on his arrival at home.

He was walking around with a limp. On Wednesday
207 I took him to a physician. Well, I had taken Paul to the doctor, Dr. Rosen, I believe it was. To tell you the truth, the correct day I couldn't say but I had taken him to the doctor. I was not in the office when the doctor examined him. We left the doctor's office together and went home. After I returned I went to work.

Cross Examination by Mr. McGovern.

My name is Maxine Crump and I am a sister of the defendant in this case. My present address is 1231 West 110th Street.

208 (Mr. McGovern informed the Court that the State was ready to go ahead with its case.)

(Whereupon a recess was taken until 2:00 P.M., same date, November 29, 1955.)

209 Before the Honorable Elmer Holmgren.

Court convened pursuant to recess, 2:00 P.M., Tuesday, November 29, 1955.

Present: Mr. Joseph V. McGovern
Mr. Robert Cooney
Mr. Steven Lee

ANTHONY BONGIORNO, called as witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is Anthony Bongiorno. I am a police
210 officer assigned to the Robbery Detail of the City of Chicago. I was so assigned as a Robbery Detail officer on March 20, 1953.

At about 10:30 P.M. I had an occasion to go to the vicinity of 1323 West 111th Street. I have since learned that it was Tillman's home. We knocked on the door and then entered the home. I waited around
211 a while with the other officers. Officer McLaren, Officer Collins, Officer Glas and myself. They were all Robbery Detail officers.

Shortly after 10:30 P.M. there was a knock on the door of Tillman's home. The other officers and myself went to the door and opened it. At that time we saw two other men. I later learned their names were Paul Crump and Eugene Taylor.

212 When I opened the door Crump was standing in the center of the door and there was a man standing behind him. As I announced that I was a police officer

the man behind Crump pushed him into the doorway and he started to run. Taylor started to run.

I stepped out in the hallway, in the street from the hallway there and I had a shotgun in my hand. I told him to halt, which he did not, and I fired a shot in the air.

At the time that I fired the shot Crump was inside the door. No, I did not hit Crump with the shotgun; I was not shooting at Crump at that time.

We chased Taylor and apprehended him. We
213 brought him back to Tillman's home. Crump was inside. We remained in the house with Taylor and Crump for a while. Oh, I would say about half an hour to forty minutes. I did make a phone call. The half hour or forty-five minutes that I remained there Officer McLaren, Officer Glas and Officer Collins, were present.

I did not drag Paul Crump down from the porch and strike him with a hard object. I did not kick
214 Paul Crump while he was on the floor because he had not answered me immediately. No, I did not kick Paul Crump at all on this occasion. No one did those things in my presence.

After a while some other men from the Robbery Detail showed up. Yes, they would be Officers Morrison and Smith. I then turned Crump over to Morrison and Smith. I did not see him any more that night.

On March 26th, 1953, I had an occasion to go to 1231 West 110th Street. I have since learned it is the home of Paul Crump. It was about 4:30 in the morning. I was with Officer Collins, Officer McLaren and
215 Officer Kalivoda. There were other police officers from the State's Attorney's office with us. Yes, they would

be Bill White, John Doyle and Lew Barens. Yes, there were also officers from the Homicide Squad by the names of Mead, Ryan and Officer Malek.

At that time and place Crump was arrested. I was in the room but I did not actually make the arrest. At the time he was arrested I did not and I did not see anyone else choke and slap him around as he was lying on his bed or near the bed.

216 We did not strike him with a revolver. He was taken out of his home into a squad car. It was my squad car. There were the other officers I mentioned, Officers Kalivoda, McLaren and Collins. My squad car was about a half a block from the house.

Crump was handcuffed as he went to the squad car. On the way to the squad car we did not knock him down three times. We did not say, "We will teach you to shoot a white man."

217 We rode to the State's Attorney's office with the defendant, Paul Crump. I was in the front seat. McLaren was driving, Kalivoda was in the back, and Collins. On the way to the State's Attorney's office we did not at any time elbow Crump repeatedly. We did not take a leather thong and place it over the head of Paul Crump and hold him on the back seat.

218 We stopped at a grill, restaurant, a small cafeteria. We went in and got coffee and we asked Crump if he wanted coffee. He had coffee and a doughnut, I believe. He had this in the squad car.

In the restaurant we made a phone call to the State's Attorney's office. We brought him to the State's Attorney's office. I would say about 5:30 in the morning. Before we got to the State's Attorney's office we did not go out in the parking lot in back of the building, the Criminal Court Building, and form a

circle around Paul Crump and start kicking him in
219 the stomach. I did not see anyone do it in my presence. No, I did not nor did anyone in my presence kick Paul Crump in the stomach and other parts of the body, and kick him all the way up to the second floor of the Criminal Court Building.

When I arrived at the State's Attorney's office I went to the second floor. Paul Crump was taken to the Bond Department and he was seated on a chair next to a table. The Bond Department is on the second floor of this building, the Criminal Court Building, and is a large open area with a glass side wall.

At that time and place no one took his hands and handcuffed Crump's hands behind his back to the chair
220 and stretched his arms by putting their feet on the handcuffs and pulling up on his shoulders and arms until such a point as his arms were being stretched. No, on that morning while he was there he was not pushed over a chair or struck on the head by falling on the floor.

I did not, nor did anyone in my presence, on either of these occasions, on the first arrest of the 20th and the second arrest of the 26th of March, 1953, mistreat, or strike, or abuse him in any way. I was not present when he made the confession.

221 *Cross Examination by Mr. Lee.*

On that March 20th after I made the arrest I turned him over to Morrison and Smith. Morrison and Smith are in the same department as I am, the Robbery Detail. I did not see Paul Crump again until the following Thursday. It was Friday, the 20th when I turned
222 him over to Morrison. I did not see Crump the following Saturday. I did not see him Sunday, March 22nd, nor did I see him Monday, the 23rd.

The shotgun was a police weapon. It belonged to the City of Chicago Police Department. It was shot in the air at Taylor. He did not stop; we chased him.

On the occasion of my going out to Tillman's house
223 on Friday evening, March 20th, I received an assignment from the superior of my special squad. His name is Lieutenant Pape. I had personal knowledge of the robbery and death having occurred at the Libby, McNeil and Libby Company. I did not have any information concerning a certain person named Tillman.

224 I went there with others. I did not know who lived there. I was not looking for any particular person at that house until after I got there. I was looking for a person named Tillman. No, I had never heard of the name Crump. When I opened the door and saw the two persons there I did not know the names of either person. I had never seen either Crump or Tay-
225 lor before. I later found out that was Eugene Taylor with him.

Crump stayed there still. He did not attempt to flee. Taylor did flee. I would say he was apprehended about a block and a half from the point.

Q. Then you brought Taylor back to where Crump was?

A. That's right.

Q. Was Crump taken across the street by police officers?

A. Do you want me to tell you where Crump was the next time I seen him?

Mr. Lee: I want you to answer my question, if you please. Was Crump taken across the street?

Mr. McGovern: I object. If he wasn't there, if he was chasing another man he would not know.

The Court: Sustained.

Mr. Lee: Did you leave Crump to chase Taylor?
226 A. I did.

Q. With whom did you leave Crump?

A. With Officer McLaren and Officer Glas

Q. On this particular occasion you had gone out there early in the evening, hadn't you?

A. Yes.

Q. You knew that a certain automobile had been used by a certain person that knew Tillman.

Mr. McGovern: Object to all this. It is beyond the scope of the inquiry.

The Court: Sustained.

The Witness: I didn't see Crump taken across the street. I did see Crump later in the Tillman home. I saw him lying on the floor. At that time there were
227 four police officers, myself and my three companions. We were the only four people there that evening up to that time. I don't know where Morrison took them after I turned them over to him.

I would say there were about three or four people in the Tillman house. I couldn't tell you if the young lady was about 17 or 18 years of age, but I know there was a girl in there. I did not hear the girl say, "Let me get a pillow for the man". None of us struck
228 Crump at that time.

When we arrived at the Tillman home we made ourselves known to the Tillman family.

Q. You have a conversation with the head of the household, I suppose.

A. Somedbody did, not me.

Q. Did you hear the conversation?

A. Well—

Mr. Cooney: Object to any conversations. It is hearsay and prior to this incident, beyond the scope of the inquiry of my direct examination also.

The Court: Sustained.

Mr. Lee: Q. Did you have a warrant for the arrest of Tillman at that time?

Mr. Cooney: Object. Immaterial at this point. The question is suppression of the statement.

The Court: Sustained.

Mr. Lee: Well, of course, you did not know Crump and did not have a warrant for his arrest.

A. I did not.

Q. Now, then, the morning, following Thursday
229 morning is the next time you saw Crump?

A. That's right, sir.

Q. Did you between Friday when you arrested him and the following Thurday when you went to Crump's house, hear anything at all about Crump?

Mr. McGovern: Object to any hearsay.

The Court: Sustained.

Mr. Lee: You knew that Crump had been released on his prior arrest?

A. I did.

Q. You and your partner forced your way into the Tillman household didn't you?

A. No sir.

Mr. Cooney: I object to that line of questioning. The girl said she let the officers in.

The Court: He has already said he did not.

The Witness: On March 26th, 1953, a Thursday, I
230 went to Crump's home. Oh, I say to the best I can remember now, I would say it was about 4:30 in the morning. I went there with three companions. Later I met other police officers there. We met them on the outside. Oh, I would say about a half a block away
231 from his home. There was one squad there from the Homicide Section.

Q. You gave those names before. Will you name them again?

A. I didn't give the names, but from Homicide was Mead, Ryan and Malek.

Q. Any squad from the State's Attorney's police force?

A. I didn't know them sir.

Mr. Lee: Please repeat?

A. I did not know the officer's names from the State's Attorney's office.

The Witness: We all got there at the same time. I would say that there were about 10 police officers.

I was one of the first officers to knock on the door
232 of Crump's house that morning. I knocked on the door to the basement flat. No window was broken in the push. We knocked on the door and some young lady came to the door. We were about four or five at the door at that time. All four men went into the house. As we entered the flat there was a lady there, there was a young lady standing right at the entrance of the door and we asked her where Paul Crump was and she said that she was in the rear of the room sleeping. So I started in the door with Officer Mc-
233 Laren. Some young man came out of the room, so we stopped him and Officer Ryan, Officer Kalivoda and I believe it was Officer Mead, they went to the back of the room and they said, "Here's Crump".

I don't remember what was the name of the man I stopped. I did not ask him his name. When I just about reached him the officer said they had Crump.

When I first saw Crump he was standing up in the
234 bedroom. He was not dressed. I could not see if he was in night clothes. A couple of seconds later I went into the room.

I did not hear a woman say that Paul Crump had been ill and had a temperature. I did not hear anybody say he was sick; he said he had a cold. He did not say he had a fever. I was there when he was dressing. I don't remember anything about the kind of suit he put on. Officers, Mead, Kalivoda and Ryan were the other officers present when he was dressing. No one went to the closet to get his clothes for him.
235 No one told him to put on a certain blue suit that was in the closet. None of the officers struck him at that time.

In the movement of Crump from his home to the second floor of this building, Criminal Court Building, he was handcuffed. His hands were cuffed in front of him. I did not see a leather belt taken from his home and strapped to his wrists after he was dressed.

Crump sat in the rear of the squad car between two police officers. He sat between Officer Collins and Of-
236 ficer Kalivoda. I sat in the front next to the chauffeur.

The gentlemen whose names I have mentioned are in the courtroom now. All of them are here. Sergeant Collins is in uniform, the others are in plain clothes.

On the day we are talking about all of us were in plain clothes.

I had been at the Police Department of the State's Attorney's office on prior occasions. I was familiar
237 with the police section of that office here in this building. All those policemen are members of the Police Department of the City of Chicago. I have not been up there enough times to be familiar with the layout of the rooms on the second floor. I knew that particular section to which I brought them to be the police department.

I don't know where the office of the Honorable John Gutknecht is; I have seen his office but I have never been in there. I don't know where Mr. Olson's office
238 is. Offhand I couldn't tell you who the First Assistant State's Attorney was in March, 1953.

I am familiar with the layout of the police rooms on the second floor of this building. I don't know about lockup. They have no room there.

I stayed with Crump from about 5:30 until almost somewhere near 8:00. All that time he was in what you
239 call the police department. He was taken from the the State's Attorney's office in the police department; it's a regular place where they keep prisoners on the second floor, I don't know the room number.

I would say it was about 8:00. I stayed in that room with Crump until about 11:00 or a quarter after 11:00. I was in the presence of Crump continuously from
240 5:30 until about 11:00. Well, I could have gone out to get a glass of water or so.

Crump was not strapped to the chair he was sitting in and no one bothered him. Crump did not fall at about 7:00 or 8:00 in the morning and no officer came from the outer room into the office to investigate. From 5:30 until 8:00 there were present police from the State's Attorney's office, the Homicide Squad and the squad that I was on.

241 We were sitting around the bond room until about 8:00. Members of the three squads I indicated were sitting around in the office and maybe outside the glass partition.

He was removed to the squad room. He sat on a chair in the squad room and no one bothered him there. I was present most of the time until 11:00; I would say most of the time outside of when I went out to get a

glass of water. I would say up to that time he was in my presence.

242 I have no knowledge that he was turned over the custody of the police section of the State's Attorney's office. I left that day at about 1:14. I had not seen Crump from that time until today.

Before my arrival here this afternoon I had a conversation with the Assistant State's Attorneys in this courtroom. We talked over this before and discussed what I was going to testify to. They asked me ques-

243 tions about whether or not Crump had been struck or whether I had seen him struck. I talked with the the other officers about it this afternoon prior to coming to this courtroom.

I don't know when Crump was booked. I did not see a warrant for his arrest. I did not see him in any branch of the Municipal Court of Chicago after his arrest. I don't remember if he was taken into court on the following day, Friday, the 27th. He was booked but I don't remember when.

244 I had my service revolver the night I had the shotgun. I used the shotgun as a warning signal to the fleeing man in preference to the pistol because I had it in my hand at the time. I fired two warning shots. I don't remember any other officers doing any shooting because I chased him. I was in a hurry. I did not see Crump in confinement in the Stockyards Station at 48th and Halsted. I did not see him at all at 11th and State Street in the police headquarters.

Redirect Examination by Mr. Cooney.

Neither I nor anyone in my presence abused or mistreated Crump in any way from the time he left

245 the police department until I left Crump at 1:00 P.M. on March 26th. (Witness excused)

EDWARD McLAREN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Edward McLaren. I am a police officer of the City of Chicago assigned to the Robbery Detail. I was assigned to the Robbery Detail on March 20th, 1953.

I was with the previous witness, Mr. Anthony Bongiorno last, or on March 20th at the time of the arrest of the defendant Crump and a man named Eu-
246 gene Taylor was made. I was present when two men knocked on the door and Officer Bongiorno went to that door.

After Eugene Taylor fled I held Paul Crump on the porch. This was after the shots had been fired by Anthony Bongiorno. I met Crump on the porch, outside the door on the porch on the side of the building. At that time I had a revolver. I did not chase after Taylor.

No, after I took Crump into custody I did not take him inside the Tillman home. I waited for the others to come back.

247 At the time I took Crump into custody on the porch I did not strike him with a hard object and drag him from the house.

(Whereupon the witness denied that: he kicked Crump in front of the house because he did not answer immediately; he kicked him for any reason; he kicked him at all; anyone struck abused or kicked him in his presence; he took him over to the 18th District.)

I turned him over to the other squad that came later. That was the same Officer Morrison who has been mentioned here.

248 I was present at the second arrest of Crump on March 26, 1953, that was at his home at 1231 West 110th Street. Around 4:00 in the morning.

At the time of the arrest of Paul Crump on March 26th I did not choke or slap him. No one else did in my presence. I did not strike him with a revolver when arresting him.

I was present at the time another squad car was four blocks from the house. He was handcuffed at that time. On the way over to the squad car I did not knock him down three times while he was walking
249 there. No one else did in my presence. I did not nor did anyone else tell him we would teach him to shoot a white man.

I returned in the squad car with Crump out to the State's Attorney's office. I was the chauffeur. I was with my partner Bongiorno, Officer Collins and Officer Kalivoda. The other two were in the back seat of the car with Crump.

(Whereupon the witness denied that: he or anyone else in his presence elbowed Crump on the way out to the State's Attorney's office; he or anyone in his presence took a leather thong and pulled it over Crump's head and pulled it over the back of the front seat; he kicked Crump in the stomach or anyone else in his presence kicked
250 Crump in the stomach while in the parking lot in back of the State's Attorney's office; he or anyone else in his presence formed a circle around him and kicked him all the way up to the second floor; he or anyone else in his presence put his

handcuffs behind his chair and stretched his arms by standing on the cuffs when they came up to the State's Attorney's office; he or anyone else in his presence mistreated or abused Crump in any manner while in his custody and control.)

Cross Examination by Mr. Lee.

The Witness: I drove one of the squad cars out
251 there on the night of Friday, March 28th. Our superior officer gave instructions to the three of us at the same time. I mean Lieutenant Pape. That was Friday, March 20th.

I was present when Officer Bongiorno turned the prisoners over to Morrison. At that time I did not know where Crump went with Morrison.

I did not go to Police Headquarters on Friday night, March 20th. I did not go on Sunday, the 22nd;
252 I was off the week-end. I don't know if Bongiorno was off that week-end.

I would say there are about 60, 63 members in the entire Robbery Detail.

Q. He wasn't a prisoner of the Robbery Detail after Morrison took him, is that right?

Mr. Cooney: Object. That is asking for his conclusion.

The Court: Sustained.

The Witness: I was not around 11th and State Street that week-end. I don't know if Lieutenant Pape was. Lieutenant Pape is not in the courtroom now.

253 I was not present at the Stockyards Station. I do not know what happened there. No, I do not know anything about what happened to Crump at Police Headquarters on that week-end.

I was in the automobile with Bongiorno on the following Thursday morning taking Crump from Crump's home over to this building.

Q. You heard Bongiorno testify this afternoon?

A. Yes.

Q. Just prior to your taking the stand.

A. Yes.

Q. And I suppose if all the questions we asked Bongiorno were asked you we would receive similar answers from you.

Mr. Cooney: Object to the form of the question.

Mr. Lee: All right. Strike it.

The Court: Sustained.

254 The Witness: I was not in the bedroom when Crump was dressing. At that time I did not know who was in the bedroom. I was in a place I assume they call the dining room. There were probably 7 or 8 officers, maybe 6 or 7 in the house at that time.

On the occasion of being sent to the home of Crump on Thursday I received instructions to go there to the home of Tillman as on the previous ride from my superior officer Lieutenant Pape.

Q. And you were told to go out and get the guy that you picked up the previous Friday night, is that right?

A. Yes, sir.

Q. Lieutenant Pape said: "We had the man and he slipped through our fingers", is that right?

255 Mr. McGovern: Object.

The Court: Sustained.

The Witness: On Thursday March 26th I left this building between 8:30 and 9:00 in the morning. I did not see Crump again until 1:00 or 1:15. He was in the office for the purpose of giving a statement to

the First Assistant State's Attorney, Judge Austin. I heard what was taking place. I did not see a lawyer
256 named Gerber. I was not there the following day.

I had not testified previously in a case involving this indictment number 53-672. I had never testified in this case at all; I was not at the Coroner's hearing.

I did not hear anyone at Tillman's home say, get a pillow for the man. Yes, Crump was lying on the floor with Eugene Taylor.

257 I never struck him at any time. I never saw anybody strike him.

Redirect Examination by Mr. Cooney.

No, I did not mean that Pape arrested Crump at the time I did on March 26th. Those present at the time were Seargent Bongiorno, Sargeant Collins, Sargeant Glas and myself.

Recross Examination by Mr. Lee.

I did not work the week-end of March 20th. I do not know what Detail of the Police Department had
258 custody of Crump at that time. I don't know if it was the robbery detail or if it was the homicide detail.

(Witness excused.)

Mr. Cooney: Sargeant Pierson take the stand.

HOWARD PIERSON, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is Howard Pierson. I am a Sergeant of Police with the city of Chicago, attached to the Homicide Section of the Detective Bureau. On March 20th

1953 in the early hours I was assigned to the Homi-
259 cide Section. On that date in the early hours between 2:00 and 3:00 I had an occasion to see the defendant Paul Crump in the lockup of the Stockyards Police Station at 47th Street. At that time Captain Reynolds and one other police officer were present.

I asked the lockup keeper to let me through the building for the purpose of trying on a hat that was at the scene of the shooting. The lockup keeper was the only other person present. At the time I tried the hat on I did not hit Crump in the face. I did not kick him.

260 (Whereupon the witness denied that: he saw two uniformed police officers come in and kick him at that time and place; he abused or mistreated Crump in any way when he tried the hat on; he abused or mistreated him at any time he saw him; anyone in his presence abused or mistreated him when he saw him.)

Cross Examination by Mr. Lee.

The occasion of my presence at the Stockyards Station was because a man had been killed that afternoon and I was assigned to that investigation. That was
261 the 21st; I was working the midnight shift.

I had the hat in my possession. It's a bluish fedora hat. I did not carry it with me from 11th & State Streets. The hat was at the 18th Police District.

I did not have an iron bar in my hand at that time, nor did I see an iron bar there at that time. I did not see the barrel of a shotgun and I did not see the barrel of a shotgun that was faked.

I do not know that Crump was on the bench in the Stockyards Station; that he was left there as a prisoner.

262 My opinion was that that was the hat, his hat, that's why I asked him and it fit him. I told him to put it on his head, which he did. I assumed the hat is in the Custodians' office.

I was in the police lockup at the Stockyards Station that night a couple of hours off and on. The last time I saw Paul Crump is when he was in the lockup, when I asked him to try the hat on. That was
263 probably between 2:00 and 3:00 a.m. Today is the first time I have seen him since March 21st.

Q. Captain Reynolds was there that evening?

A. Yes, he was.

Q. Captain Reynolds is the Commanding Officer of the 18th District Police Station?

A. He is, sir.

Q. Did Captain Reynolds question Crump in your presence that evening?

A. He did, yes.

Q. And he accused Crump of having been in the robbery and murder?

Mr. McGovern: Object.

A. No.

The Court: Sustained.

Mr. Lee: He asked Crump about the robbery at the Stockyards?

A. He did.

Q. Did he ask Crump questions about the death of a person at Libby, McNeil and Libby?

Mr. Cooney: Object to this, Judge, beyond the
264 scope of the inquiry as far as this witness is concerned.

The Court: There is nothing in the direct examination at all that Captain Reynolds questioned the defendant at all, other than that no one there did, and which I suppose would include Captain Reynolds, struck him or in any way mistreated him.

Mr. Lee: That is all.

(Witness excused.)

Mr. Cooney: Sergeant Glas.

JOHN GLAS, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is John Glas. G-l-a-s. I am a Sergeant of the Chicago Police Force. At the present time I am assigned to the 38th District. On March 20th, 1953
265 I was a Police Officer assigned to the Robbery Detail, Detective Bureau. I was assigned to a squad with Sargeant Collins, Officer McLaren and Officer Bongiorno.

I was out to Hudson Tillman's home at 1323 West 111th Street. I was present at the time that Crump was taken into custody.

(Whereupon the witness denied that: he or anyone in his presence struck Crump with some hard object and dragged him from the house and down the stairs at the time he was taken into custody; he or anyone in his presence kicked him while he was on the floor when he didn't answer; he or anyone in his presence mistreated or abused him while he was in his custody in the Hudson Till-
266 man house; he was present on the occasion of the second arrest of Paul Crump.)

I would guess it was forty-five minutes, may have been a half hour, after I had arrested Crump the first time that he was turned over to officers of the Robbery Detail. I was not present and did not take him over to the Stockyards Police Station.

Cross Examination by Mr. Lee.

I am presently at the 38th District. That is at 3600 North Halsted Street, commonly called the Town Hall Station.

I was on the Robbery Detail for one year. On March 20th, 1953, I was just beginning that assignment. Yes,
267 now I am elevated to Sergeant. I dealt with a call being at 11th and State Street Police Headquarters the week-end of March 20th. As close as I can remember I was off that week-end. Lieutenant Pape was my superior officer on the Robbery Detail. I don't know what happened that week-end.

(Witness excused.)

Mr. Cooney: Sergeant Collins, take the stand.

JOHN COLLINS, called as a witness on behalf of the People, having been first duly sworn was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is John Collins. I am a Sergeant of the Police Department. I am attached to the 17th Dis-
268 trict. On March 20th, 1953, I was with the Robbery Detail. I was a Sergeant then.

I was present at the home of Hudson Tillman at 1323 West 111th Street at the time Paul Crump was arrested.

At the time he was arrested I did not, nor did anyone in my presence drag him down the steps from the house and strike him with a hard object. I did not, nor did anyone else in my presence, kick him, beat or mistreat him in any manner.

I participated in the arrest of Paul Crump on March 26th, 1953. That was at his home.

269 (The witness denied that at the time of the arrest, on the second occasion, he choked, slapped or pulled him out of bed; that he or anyone else in his presence struck him with a revolver.)

I was present when he was taken over to the squad car to be taken to the State's Attorney's office. He was handcuffed as he went over there. I did not see anyone knock him down three times. I did not, nor did anyone in my presence, threaten him, saying, "We will teach you how to shoot white men".

I was with him in the car out to the State's Attor-
270 ney's office. I was sitting in the rear seat. Crump was back there with me. On the way over to the State's Attorney's office I did not elbow him in the side or ribs.

(Whereupon the witness denied that he, or anyone else in his presence, did any of the following: used a leather thong on Crump, kicked Crump in the stomach while in the parking lot, kicked him up to the second floor at 26th and California, put
271 his hands handcuffed behind the chair, stretched his arms by standing on the cuffs, kicked him out of the chair or mistreated or kicked Paul Crump in any way.)

Cross Examination by Mr. Lee.

I did not see Paul Crump at the Stockyards Station on the night of March 20th.

The 17th District to which I am now attached adjoins the 18th District. The 17th District is the new City Station, 47th and Paulina, 1709 West 47th Street. That's east of Loomis Street which is in the confines of the 18th District. We only go to Loomis. That is 1400 west and this is east.

272 The Libby plant is in the Stockyards. That's private property. Loomis Street does not go through the Stockyards.

Q. The Libby, McNeil and Libby plant is right at the edge—

Mr. Cooney: Beyond the scope of direct examination.

Mr. Lee: I am trying—

The Court: Sustained.

The Witness: The week-end of March 21, 1953, I
273 was at the Headquarters at 11th and State. I worked out 11th and State Streets. I did not see Crump in the building that week-end. I did not know he was a prisoner in the building that week-end.

I don't know anything that happened to Crump that week-end, after I turned him over to Morrison. I was not wearing glasses at that time. I do wear glasses to look at telephone numbers or something like that.

I came over to this building that day with Bon-
274 giorno, McLaren, and Glas or Frank Kalivoda. I stayed here until about one o'clock. No, I did not see anyone strike Crump at any time.

(Witness excused.)

FRANK KALIVODA, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is Frank Kalivoda. I am a Police Officer of the City of Chicago. I am presently assigned to the Con Section. During the month of March, in 1953, I was assigned to the Robbery Detail.

I did not arrest Paul Crump the first time. I was present when he was arrested on March 26th, 1953. I believe he was arrested in his mother's home. I was one of the first officers to approach him. He was in bed when I took him into custody. Sergeant Ryan and Officer Mead were with me when I took him into custody. They are from the Homicide Detail.

(Whereupon the witness denied the following: that he, or anyone else, choked or slapped Paul Crump; that he, or anyone else, struck him with elbows.)

I was present when he was taken in the squad car a block away from his home. He was handcuffed. I did not, nor did anyone else in my presence, knock him down three times on the way to the squad car. I did not, nor did anyone else in my presence, say, "We will teach you to shoot white men."

I was with him in the car when he came to the State's Attorney's office. I was seated on his left side. I did not elbow him in the side and ribs while on the way to the State's Attorney's.

(Whereupon the witness denied that he, or anyone else in his presence, did any of the following: used a leather thong on Crump, kicked Crump in the stomach while in the parking lot at 26th and California, kicked him up to the second floor, mistreated or abused Paul Crump at any time, knocked him out of a chair so that his head hit the floor, or stretched his arms by standing on his cuffs and pulling up on them.)

Cross Examination by Mr. Lee.

I saw Paul Crump in the lockup on that date. He stayed in the Police Department until about 8:00 or 8:30. He was moved over to the lockup.

On the trip over to this building from the Crump home he wanted coffee, that's all he said. I did not hear him say anything to anybody else. Yes, I was in the bedroom when he was dressing. I saw the suit of clothes he put on. I did not see it when it was hanging up on the rack. I did not hear a police officer
279 tell him not to put on the first suit and put on the blue suit. Evidently the suit fit him. He wore it. His wife got the suit and handed it to us.

Handcuffs were placed on him when he got outside. I guess it was one of the State's Attorney's office men who put the handcuffs on him. At no time was there a leather strap on his wrists behind him. The handcuffs were placed on him in front. He had them in
280 front all the way.

(Witness excused.)

ANDREW MEAD, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is Andrew Mead. I am a Police Officer of the City of Chicago. I am assigned to the Homicide Detail. I was so assigned to the Homicide Detail on March 26th, 1953.

I was one of the men that apprehended Paul Crump in his home on that day. I was present when he was taken into custody in his room. When he was taken
281 into custody I did not, nor did anyone in my presence, choke, slap, or strike him with a revolver.

I was present when he was taken over to the squad car. That was the squad car of officers of the Robbery Detail, that testified here previously. I did not ride in the squad car with Crump. On the way over he was

handcuffed. I did not, nor did anyone in my presence, knock him down three times, or say, "We will teach you how to shoot white men."

282 *Cross Examination by Mr. Lee.*

The Witness: I never saw Crump from that day until this day. I did not testify in any proceedings against Crump.

I knew at the time that I went out there that morning, Thursday morning, March 26th, that Crump had been arrested the previous week.

I did not see anyone strike him. Yes, I heard Crump say he was sick. His wife may have said it also, but I am not clear. It's two years ago. I am not sure.

283 I saw his mother but I did not hear her talk that morning. I got over there that day from home by squad car. A different squad car than the one he rode in. I was accompanied by Sergeant Malek and Ryan.

Yes, I am still in Homicide. I have been there a good many years.

Redirect Examination by Mr. Cooney.

Sergeant Ryan was inside the Crump home with me.

(Witness excused.)

284 (Whereupon a short recess was taken.)

JOHN RYAN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is John Ryan. I am a Sergeant of Police. I was one of the officers present at the time that Crump was arrested on March 26th, 1953.

(Whereupon the witness denied the following: that he, or anyone in his presence, choked or slapped Paul Crump; that he, or anyone else, struck him with a revolver; that on the way to the
285 squad car anyone knocked Crump down three times; that he, or anyone in his presence, said, "We will teach you how to shoot white men."; that he was in the squad car with Crump when he came out to the building; that at any time that day Crump was mistreated or abused; that at any time in the parking lot he kicked Crump in the stomach; that he, or anyone in his presence, kicked Paul Crump in the stomach from the parking lot all the way up to the second floor of this building; that he, or anyone in his presence, put his hands behind a chair while he was on the second floor and stretched his arms by standing on the cuffs;
286 that he, or anyone else, knocked him off the chair so that he fell and hit his head; or, that he, or anyone else, mistreated or abused him in any manner.)

Cross Examination by Mr. Lee.

The Witness: I have been a Police Officer for a little over twenty years. I have not previously testified in these proceedings against Crump. This is the first time.

287 I recognize Paul Crump sitting here at this table now.

I was present in the bedroom of his home on March 25, 1953. Upon my arrival I saw Crump in bed. I did not see a crutch or crutches in the room. I saw him walk. To my knowledge I don't remember if he walked with a slight limp. I don't remember that he dragged one leg.

We left around 8:00 or 8:30 in the morning that day. I had never seen Paul Crump before the 26th.

288 Q. You knew only that he had been a prisoner at 11th and State Streets?

A. The prior week-end. I had heard something to that effect.

Q. You had heard that statements had been made implicating Crump—

Mr. Cooney: Object to hearsay.

The Court: Sustained.

The Witness: I received instructions to go out there with my partner from Lieutenant Pape. Yes, I heard Officer Bongiorno testify this afternoon.

We are three separate squads. Our squad officer Mead was in charge of the squad. The other cars, I don't know who was in charge.

I did not see Crump after Thursday, the 26th about noon time. I did not see him in the lockup on the second floor of this building. I never went back there

289 at all.

We made the arrest and he was taken over to the Robbery Detail. He was taken over in the Robbery Detail car of the State's Attorney's office. I was there when he was taken into custody. I am a member of the Homicide Detail. He was the Robbery Detail's prisoner as far as I understand. We were sent there to assist the Robbery Detail.

(Witness excused.)

FRANK MALEK, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

290 *Direct Examination by Mr. Cooney.*

My name is Frank Malek. I am a Police Officer of the City of Chicago. On March 26th, 1953, I had an occasion to go to the home of Paul Crump at 1231 West 110th Street. I did not enter the home.

I was assigned to Homicide. Ryan and Mead were my partners that day. When they went in the house I remained outside. I saw Crump when they took him out.

(Whereupon the witness denied that he, or anyone else in his presence, did any of the following: kicked Crump while he was walking over
291 to the squad car; formed a circle around Paul Crump and kicked him in the stomach and about the body all the way up to the second floor of the State's Attorney's office; abused or mistreated Paul Crump in any manner; tied his hands and strapped them behind his back behind the chair and then had someone stretch his arms by by stepping down on his handcuffs; knocked him out of the chair so that he hit his head on the floor; or mistreated or abused him at any time on that date.)

292 *Cross Examination by Mr. Lee.*

The Witness: I left this building at about 8:00 in the morning. I was dismissed by Lieutenant McMahon. I left alone to go home.

I received my assignment to go to the Crump home at about 3:00, 3:30 in the morning.

I had not seen Crump prior to that date. I had not seen him on previous occasions at 11th and State
293 Streets. I learned that he had been up there the previous week-end.

Q. At the time you came out here, you knew he had been in custody the prior week-end?

A. I had learned he had been previously arrested.

Q. And you knew he had been in the custody of the Homicide Detail?

Mr. McGovern: I object, if the Court please. There is no testimony in this—I object being beyond the scope of direct examination.

The Court: Sustained.

(Witness excused.)

JOHN DOYLE, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is John Doyle. I am a Police Officer assigned to the Commissioner's office.
294 During the month of March, 1953, I was assigned to the State's Attorney's Police. On March 26, 1953, I participated in the arrest of Paul Crump at his home. Officers Bill White and Lew Barens were the other members of the State's Attorney's office who were with me. Lew Barens is now deceased.

I entered the home of Paul Crump. While I was in that house I did not see anyone choke or slap Paul
295 Crump. I did not see anyone strike Paul Crump with a revolver.

Paul Crump was handcuffed as he left the front door of his home. I put the handcuffs on him. He was handcuffed with his hands up in front of him.

I was present when he was taken over to the squad car of the Robbery Detail. On the way over there I did not, nor did anyone else, knock him down about three times, saying, "We'll teach you how to shoot white men."

I was not with him when he was in the squad car and taken over to the State's Attorney's office. I was in another squad car. I was not present when he was taken out in the parking lot in back of the State's
296 Attorney's office. I did not see anything that happened in the parking lot.

I saw him on the second floor in the bond department. When I saw him on the second floor I did not, nor did anyone in my presence, take his arms and put them behind his back and stretch his arms by stepping on his handcuffs. I did not see anyone push him out
297 of the chair. I did not, nor did anyone in my presence, mistreat him or abuse him in any way at any time.

Cross Examination by Mr. Lee.

The Witness: I am presently in the Commissioner's office. At that time I was under Lieutenant Olson, who is now Captain Olson.

When I left with Officers White and Barens I left from this building. In the early morning hours of the 26th of March.

Q. And before you left you had a conversation with Lieutenant Olson, the then Lieutenant Olson.

298 A. No sir. A conversation? No sir.

Q. Did he talk to you?

A. He told us where to go.

Mr. Cooney: I object to this line of cross examination. Beyond the scope—

The Court: Sustained.

Mr. Lee: Who was your superior that sent you over there?

A. Lieutenant Olson and Lieutenant Pape.

Q. Well, Lieutenant Pape wasn't your superior, was he?

A. No, sir.

Q. Lieutenant Olson was?

A. Yes.

Q. Now before you went you saw a person named Tillman, didn't you?

A. Yes.

Mr. McGovern: Object to this.

Mr. Lee: He answered already.

Mr. McGovern: May I state my objection? Beyond the scope of direct and immaterial as far as this is concerned.

The Court: Sustained. The only question here is whether or not there was any abuse.

The Witness: I was here when Crump came into the building that morning with members of the Rob-
299 bery Detail. He was first taken into the Bond Office. Behind the glass enclosure. He stayed there for a long time. No, I did not see Crump leave that particular office. I did not see him taken away from there. I did not go home until 3:00 in the afternoon.

I again saw Crump at approximately 3:30, 2:00 when they took him into another room for a show-up. Between the time that Crump was in the Bond Office and the time of the show-up I did not see him. I did not see him in the room on the second floor nor in
300 the cell.

(Witness excused.)

WILLIAM A. WHITE, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is William A. White. I am a Police Officer of the City of Chicago assigned to the State's Attorney's office. I was so assigned on March 26, 1953.

301 I was in the front part of the house when Paul Crump was arrested.

I did not see anyone choke or slap Paul Crump at his home on March 26th. I did not see anyone strike him with a revolver. I do not recall when he was handcuffed by Officer Doyle.

I was present when they took him over to the squad car, in the Robbery Detail squad car. On the way over I did not, nor did anyone in my presence, knock Crump down three times. I did not, nor did anyone else in my presence, tell him, "We will teach you how to shoot white men" or words to that effect. I was not with him in the squad car when he went over to the station.

302 I did not see Crump when he got out of the car at the Criminal Court Building. I saw him on the second floor that day. The first time I saw him in the building, he was in the bond department on the second floor.

I did not, nor did I see anyone in my presence, strap his arms behind him, stretch his arms by stepping on his handcuffs, knock him out of the chair, or abuse and mistreat Paul Crump.

Cross Examination by Mr. Lee.

303 Q. You did have a warrant for his arrest, did you?

A. A warrant?

Q. Yes.

A. No, sir.

Q. You were just told to go out and get Paul Crump?

A. That's right.

Q. Captain Olson told you that?

A. I believe it was Olson.

Q. He was your superior officer?

A. Yes.

Q. You also saw an Assistant State's Attorney down there when you went out.

A. No.

Mr. Cooney: Judge, we are objecting to this, beyond the scope of direct examination, being immaterial.

The Court: It is always a question of what is within the scope of direct examination. What is the last question?

(Record read.)

The Court: He has answered "no" to that. Strike the answer.

304 The Witness: My objective was merely to get him and bring him back here. I did not hear the Police or anybody say they were going to obtain a statement from Crump. I did not hear Lieutenant Olson say he wanted to obtain a statement from Crump. I did not tell Crump he was going to be compelled to give a statement.

I did not have a warrant to arrest him. I had knowledge of his having been engaged in a crime through information.

Q. You did have knowledge? So, as a Police Officer you arrested him because of a belief he had been
305 in a crime?

A. Yes.

Q. And the knowledge you obtained was from Captain Olson?

A. Yes.

Q. Captain Olson at that time informed you that an accomplice named Tillman had involved him?

Mr. McGovern: Now, we object to any details.

The Court: Let him finish his question.

Mr. Lee: Captain Olson told you at that time that the fellow Tillman had involved Crump?

The Court: Objection sustained.

(Witness excused.)

GRAYDON MEGAN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is Graydon Megan. My
306 home is at 726 Hutchinson Street, Chicago. I am Secretary of the Inland Steel Company in Chicago. I have been Secretary of the Inland Steel Company since 1946.

I was present in the State's Attorney's office in the Criminal Court Building of Cook County at about the hour of 10:00 on March 28th, 1953. I saw Paul Crump, David and Eugene Taylor, Harold Riggins and Hudson Tillman. Judge Gutknecht, Mr. Austin,

307 Mr. Bloch, Mrs. Mellin, Mr. Owens, Mr. Buckley, Dr. Brams and several Police Officers were also present.

Mr. Austin asked them if they had been treated all right by the police since they had been in custody. He asked them if the document which he was prepared to read had been given voluntarily and whether any promises or threats had been made. The answer was that there had not been any.

Mr. Austin and Mr. Bloch read from typewritten
308 statements, which was a statement made by Paul Crump and the other men there as to the occurrence in connection with the Libby, McNeil and Company robbery. They read from the statement of Paul Crump. There were two other statements. Mr. Austin read for a while and then Mr. Bloch did some of the reading.

309 At that time they had typewritten statements in their hands.

Q. And at that time what, if anything were they doing with relation to these typewritten statements that they had in their hands?

A. They were looking at the pages and turning the pages from time to time and occasionally they would volunteer a statement that that was wrong, and there would be some oral discussion, and on several occasions they actually corrected it.

Mr. Lee: I am making a motion to strike the answer. It involves the plural they and we are only involved with a single individual, and we don't know what he means by "they".

The Court: When you say "they" do you mean also the defendant, Paul Crump in this case?

A. Yes, I do, your Honor.

The Court: Objection overruled.

310 After the statements had been read to the defendants by Mr. Austin he again asked them if the statements were correct as read. He again asked if there had been any undue pressure or promises to induce them to make answers. They said there had not been any pressure or promises made and that it was a true statement.

I have no connection with the State's Attorney's office of Cook County. In the month of March, 1953, I had no connection whatsoever with the State's Attorney's office of Cook County.

I don't remember whether or not the defendant Paul Crump made any correction in his statement.

311 *Cross Examination by Mr. Lee*

I have lived in the seven hundred block on Hutchinson Street for 7 years.

I received an invitation to come to the State's Attorney's office at that time. Mr. Austin Wyman called me at my home Saturday morning and said Judge Gutknecht had asked him to come to his office, that he was unable to do it and would I do it in his place, and if I would, I could call Mr. Bloch, which I did. I was able to do it and called Mr. Bloch and he asked me to come in. I had met Mr. Gutknecht and I knew of him but I did not know him well.

312 I have talked about this with other people. I previously appeared as a witness in the case.

I have been with the steel company since 1938. Prior to that I was in the practice of law in Chicago.

313 I knew Mr. Owens; he is an attorney at law.

We do not have a legal department at Inland Steel. I am Secretary of the company and handle the legal affairs. I have engaged in the practice of law and did maintain offices in connection with my practice.

314 I maintained offices in the City of Chicago.

Q. So, by virtue of your professional experience and training you were aware of certain constitutional requirements in connection with the transaction that took place that morning.

Mr. McGovern: Object to the form of the question.

The Court: Sustained.

The Witness: Mr. Owens was the only one I really knew.

315 I remember the other prisoners that were there at that time. I think I would be able to identify them now. They were dark complexioned and colored.

The signing of the document took place in the main office of the State's Attorney of Cook County. Judge Gutknecht was present in the large room on the second 316 floor of this building. There were probably ten or twelve people there in the room. The ten or twelve include the five colored persons.

Q. In other words, outside of those colored persons there were about five remaining?

A. No, there were more than that.

Q. You just read the names of more than five. You gave us the name of a physician.

A. That's right.

I gave the name of Mrs. Owens. I gave the name of one lady. The number of persons in the room at that time did not exceed the seating accommodations. It is my recollection that everyone present had a seat. I was seated.

317 I arrived at the State's Attorney's office on Saturday morning, March 28th, 1953, at about 10:00 in the morning. I came alone. I stopped at the Information Desk and I believe I inquired for Mr. Bloch. I don't know exactly what his position was at that time.

I had talked to Mr. Bloch that morning on the telephone. I told him that Mr. Wyman had called me and
315 asked me to call him. He said, "Would you come down to the State's Attorney's office to witness a confession".

Q. That invitation was strictly separate from your other mission in connection with Mr. Wyman's affair, wasn't it?

Mr. McGovern: I am objecting to the form of the question.

The Court: I don't understand it either. Sustained. Go ahead and ask—

I did not know Mr. Bloch prior to March 28, 1953. The man I talked with on the telephone told me he was Bloch. I accepted the statement of the person on the telephone that he was Bloch. He asked me if I would come to the State's Attorney's office to witness a confession and I said I would and that was all there was
319 to it. He told me when to come and at what time.

Q. Let's go back to a statement you made a moment ago. You said in response to a question asked by Mr. McGovern if Mr. Austin, that is Mr. Austin asked the persons if they had been treated well in the custody of the police, and I now ask you if you refresh your recollection and recall the question asked by Mr. Austin was to these gentlemen, "Haven't you been treated well while you have been in the State's Attorney's Office". Isn't that the way the question was worded, or can you remember?

A. I can't remember.

The Witness: I had not seen Dr. Brams previously. I don't know whether he is licensed to practice medicine in the State of Illinois. I don't know whether he is in fact, a physician, chiropractor or dentist. I

320 took the word of someone who introduced me to the gentleman.

I do not know the first name of Mrs. Mellin.

When I finished with the transaction that morning in the State's Attorney's office I left. I had nothing further to do there that day.

321 I did not receive any compensation for coming out that morning. I did not ask for any and I was not offered any. I considered that I was doing my civic duty.

Yes, I know someone connected with Libby, McNeil and Libby Company. I know Mr. Trainor. I don't know if he is now one of the Board of Directors. He was Chairman of the Board and President of the Chicago Board of Education at the time.

322 I had not talked with anyone about the transaction at Libby, McNeil and Libby. That Saturday morning was the first I had any knowledge of the transaction at all.

Q. And as a lawyer you did not have to consult anybody else about coming here, did you?

Mr. McGovern: Object to the form of the question.

The Court: Sustained.

The Witness: I don't know the occupation of Mrs. Mellin. I don't think she has an occupation. I never saw her before that day. I have not seen her since that day.

Q. Did you ever talk about what you did with Judge Dunne, who was your neighbor?

Mr. McGovern: Object again to the form of the question.

The Court: Sustained.

323 The Witness: I don't know of anything that happened to Crump prior to the morning I saw him in the office of the State's Attorney. I did not see anything.

I can't recall whether Crump made any specific statements in the office that morning. I did not hear Paul Crump say that he had an injury to his wrist and could not hold the pen or pencil properly. I was within hearing of him at the time he executed the document I said he executed. I don't recall hearing that said. I was sitting facing them with the other
324 witnesses there, maybe eight feet from them, six or eight feet from them. The other colored men present were the two Taylor brothers, Riggins and Tillman.

I think I saw three individual separate documents signed. I don't know that there was one by Crump. I don't remember now exactly. Some were joint statements and one or more was a single one. I don't recall at this time which statement was a joint statement.
325 I had not previously seen statements of that particular kind.

I saw two men sign one instrument. I don't recall which of the instruments were signed and by which ones.

Q. You knew signatures were appended to each instrument that you saw as a witness there that day?

A. Well, that varied on the three instruments. There were three witnesses, I believe on each of them, and on some, on at least one statement there were two or three signatures and maybe four on one of them.

The Witness: I testified in the proceedings in this case, number 53-672. Yes, I know that the testimony
326 I gave was reduced to writing. Yes, I read it this afternoon. I read it in the company of Mr. McGovern or Mr. Cooney.

Q. And you still can't tell me how many different statements were signed and how many men signed them?

Mr. McGovern: Object to the form of the question, being argumentative, and move to strike it.

The Court: Sustained. You may ask him if he can tell.

(Witness excused.)

327 FRANK DRANS, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is Frank Drans and I am a Police Officer of the City of Chicago. I am assigned to the State's Attorney of Cook County. I was then an officer and so assigned on March 26, 1953. It was my duty in the early morning hours to be present at the desk in the State's Attorney's office.

On March 26th, 1953, at or about the hour of 5:30
328 a.m. I saw the defendant Paul Crump. At that time he was in the custody of some police officers. I saw him when he was seated in the Bond Department of the State's Attorney's office.

(The Witness denied that he, or anyone in his presence, abused or mistreated the defendant Paul Crump.)

I did not go to the officer who had Crump in custody and say to him that this sort of thing doesn't go on in the State's Attorney's office, or words to that
329 effect.

Cross Examination by Mr. Lee.

The Witness: I was on the desk that night until 8:30 o'clock. Then I went home. I am not particularly interested in anything other than that. No, I never went back to the lockup afterward.

(Whereupon a continuance was had until November 30, 1955, at 10:30 o'clock a.m.)

330 Before Judge Elmer Holmgren.

Court convened pursuant to adjournment, Wednesday, November 30, 1955, 10:30 a.m.

Present: Mr. Joseph V. McGovern, Mr. Robert Cooney and Mr. Stephen Lee.

JOHN MORRISON, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: I am a Police Officer of the City of Chicago assigned to the Robbery Detail. On March 20, 1953, I was with the Robbery Detail. On that date
331 at about midnight I had occasion to go to 1323 West 111th Street.

On that night Sergeant Charles Dean, my partner, and I received two prisoners from Officer Bongiorno and his squad. The two prisoners were Paul Crump and Eugene Taylor. We took them to the 18th District at about 12:30 and turned them over to Captain Reynolds.

On the way over to the 18th District I did not, nor
332 did anyone in my presence, abuse or mistreat Crump in any way whatsoever.

Cross Examination by Mr. Lee.

The Witness: At that time I was assigned out of 11th and State Police Headquarters. We took the prisoners to the Stockyards Station because the crime was committed in the 18th District.

Q. At the time you went out there you were looking for a person named Tillman?

Mr. Cooney: Object as to what he was looking for, it's what he did. Object to the form of the question.

The Court: Sustained.

333 The Witness: Yes, I saw Captain Reynolds that night at the 18th District Station. I would not know if Crump was booked at the 18th District.

I turned over the prisoner to Captain Reynolds. We left almost immediately because Captain Reynolds wanted us to take two other prisoners to the Detective Bureau. We left Crump there.

I did not see anyone strike Crump that evening before he was taken into custody.

(Witness excused)

CHARLES DEAN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

334 The Witness: My name is Charles Dean. On March 20th, 1953, I was with the Robbery Detail. My partner, Morrison, just testified. Officer Morrison and I transported two prisoners by the names of Taylor and Paul Crump on that evening from the home at 1323 West 111th Street in Chicago to the 18th District.

On the way there I did not, nor did anyone in my presence, strike or abuse Paul Crump in any manner whatsoever.

Cross Examination by Mr. Lee.

335 The Witness: I had gone to Tillman's home. No, I did not have a warrant for the arrest of anyone, nor did any of the officers with me. I just went there on an assignment to pick up two persons and brought them to the 18th District.

I just stepped inside the door, the dining room I believe it was. Morrison and I went in together.

Yes, there were other officers there. I think Sergeant Bongiorno, Sergeant Glas and Ed McLaren and there was a fourth one, Sergeant Collins.

336 Crump was inside when I arrived. He was lying on the floor and there was another man alongside of him. No, I did not see a police officer strike Crump at that time.

No, I did not see Crump after the night of the 20th.

(Witness excused)

JAMES LAWRENCE, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is James Lawrence and I am a Police Officer of the City of Chicago. I am a
337 Patrolman at the 18th District and I do not have any particular assignment.

In the month of March, 1953, I was lockup keeper at the 18th District. My tour of duty on that evening was from 12:00 at night until 8:00 in the morning. That would be 8:00 a.m., March 21st, when I went off duty.

At 1:40 a.m. in the morning on March 21st I had an occasion to receive a prisoner by the name of Paul

Crump. I know the time it was because I wrote it
338 down at that time. Yes, I checked the receipt form before I took the stand.

At 1:40 a.m. on March 21, 1953, I actually placed him in a cell in the lockup. At that time I did not, nor did anyone else in my presence, kick him three times in the pants and strike him. He was in my custody from that time until 8:00 in the morning.

During that time Sergeant Pearson from the Detective Bureau visited him. I was there when Pear-
339 son came in and saw him. He said he would like to see the prisoner, he would like to try a hat on him. Yes, he did try the hat on him.

At the time he tried the hat on Sergeant Pearson did not strike Paul Crump in the face or knock him around at all.

During the tour of duty two uniformed men did not come in and kick Paul Crump while he was in the cell. During my tour of duty no one abused, mistreated, struck or threatened Paul Crump in any manner whatsoever.

As part of my duties as lockup keeper I am to feed the prisoners. Yes, I did feed the prisoners on that particular day. I woke the prisoners at 6:00 and fed them.

340 I did not see him on my next tour of duty. I was off the next day.

Cross Examination by Mr. Lee.

The Witness: I saw Crump again on the 27th. The first time I saw him was on the 21st, at 1:40 a.m. in the morning. I did not see him on the 22nd. It was about a week and a day later when I next saw him.

I had a lockup book filled out upon receiving him as a prisoner. That's the book we customarily have
341 in the lockup. No, I did not give a receipt to anyone for him. He was not officially listed as a prisoner in the 18th District. I was holding him for the Detective Bureau.

I don't remember the officer that brought him in to me at this time. They said he was to be held open. Up until 8:00 in the morning he was not, to my knowledge, enrolled or registered as a prisoner of the 18th District.

Sergeant Pearson came in alone to see Crump. No, no one else went back to the cell to see him. I did not see a man from Libby, McNeil and Libby Company go there.

342 No, he was not withdrawn from the lockup. I watched Crump as best I could. I had other prisoners in the cells.

No, Crump did not say anything to me about being held. The man went to sleep about as soon as he got in the cell.

(Witness excused)

343 JAMES J. GRACE, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is James J. Grace. On March 21, 1953, I was a Police Officer of the City of Chicago assigned to the 18th District.

I was lockup man for the 18th District. My tour of duty on March 21st was from 8:00 to 4:00 p.m.

Yes, I had an occasion to see the Officer that just testified.

I did have an occasion to see a prisoner named Paul
344 Crump in the lockup. At the time I saw him I did not nor did anyone in my presence abuse or mistreat him in any way whatsoever.

I fed the prisoners on that date at about 12:00, 12:30.

I also worked as lockup keeper from eight to four on March 22nd. Paul Crump was in my custody part of that time. No one abused or mistreated him at that time.

I think it was about 2:05 in the afternoon on March 22nd when Paul Crump was released from custody. I saw the record. Yes, I saw the record book before
345 I took the stand. I noted that in the station book. He was turned over to Officers Hastings and O'Day, squadrol 267. He went to the detective bureau. I did not see him after that.

Cross Examination by Mr. Lee.

The Witness: No, Crump was not turned over to somebody on the 21st during my tour of duty. He was in the lockup all day the 21st. He did not live near the place. The 21st was a Saturday.

346 No one came to visit him on the 22nd. No, I did not see Captain Reynolds around the station on that day.

(Witness excused)

STANLEY LECHERT, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is Stanley Lechert. I am a Police Officer of the City of Chicago, and was such Police Officer assigned to the 18th District on March 21st.

347 On the 21st I was the lockup man. No, that wasn't my regular assignment. I relieved Officer Grace. On that date, between 4:00 p.m. and 12:00 midnight, I was in charge of the lockup at the 18th District. Yes, there was a prisoner in my control and custody by the name of Paul Crump.

I did not, nor did anyone in my presence, abuse Paul Crump in any manner whatsoever, or mistreated him in any manner whatsoever during those hours. That's the only time I had care and control of Paul Crump.

Cross Examination by Mr. Lee.—

348 Yes, I see Paul Crump here now. That's the first time I have seen him since that time.

On that day I am talking about he was to me the same as any other prisoner. That was on the 21st.

(Witness excused)

ISAAC ROSEN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

My name is Isaac Rosen and I am a physician by profession. I am licensed to practice medicine in the
349 State of Illinois. I have been so licensed since 1936.

I am a graduate of Chicago Medical School. I received the degree of Doctor of Medicine from Chicago Medical School. I have been a medical practitioner here in Chicago and my office is located at 4651 Cottage Grove Avenue. On the 25th day of March, 1953 I had an office at that address.

350 Yes, on the 25th, I saw a gentleman by the name of Paul Crump. I saw him in my office. At that time I made an examination of Paul Crump. At the time that I examined him he was stripped to his waist.

He complained of a cold. No, he did not make any other complaint. He was stripped down to the waist. I examined with a stethoscope and then I put him under a fluoroscope when I took his temperature.

351 Yes, I examined the entire upper part of his body. When I made that examination I did not discover any bruises or contusions or abrasions of any type. No, he did not make any complaints about any bruises or abrasions of any type.

I prescribed a treatment for his cold at that time. I gave him two injections of penicillin. I gave him sulpha drugs and a bottle of cough mixture. At that time his temperature was 103.6.

Cross Examination by Mr. Lee.

The Witness: I did not see any abrasions or con-
352 tusions on his body. There was no complaint for any. I didn't look for any.

The external examination I made was merely visual. I used a stethoscope and a fluoroscope. He stripped to the waist because I wanted to examine him. That's usually the office procedure, to examine patients when they come to you. That was all based on the complaint that he had a cold.

353 He wanted to use a stethoscope and also a fluoroscope. The card I had just a moment ago is my official record of the case.

He came to my office with a lady he said was his wife. I was paid ten dollars; everything was cluded in the ten dollars.

The medicine I gave him consisted of sulpha, two injections of penicillin, 100,000 units, and I gave him
354 sulpha drugs, temperature and cough mixture. The penicillin was 100,000 units each, 200,000 units. It was a powder and I made a liquid out of it. I used it in an injection. He took the sulpha drugs and the bottle of medicine away with him.

I don't recall how much sulpha I gave him. I must have given approximately about 18 tablets. I prescribed that he should take the tablets two every four hours. No, I do not have a record of the quantity of sulpha I gave him. My opinion is that I gave him about 18 tablets.

It is usually taken two every four hours. Fifteen
355 grains, two every four hours. That would be approximately three days' supply. In addition to that I gave him a bottle of ordinary cough medicine. Yes, I had that in my office.

I had never seen Crump before that. To the best of my knowledge I have never treated anyone in his
356 family. He just came to me and complained he had a cold and I examined him.

I did not examine his lower extremities. His walk was not extraordinary. I did not pay any attention as to whether he walked normally or lame.

No, he did not tell me had an appointment with anybody. As far as I recall he did not say he had a couple of business appointments. I did not tell him to cancel any business appointments.

I have maintained offices at that address since 1944. Yes, I am a general practitioner.

357 I have very little knowledge of dermatology. I am not a specialist and have only the experience of a general practitioner in the treatment of skin.

As to the visual difference between the skin of a white person and the skin of a colored person I am very well acquainted with that. I did not see any scars. I did not see anything. I could see if there were any scars or lacerations. The skin is the same on white or colored.

Redirect Examination by Mr. McGovern.

The Witness: I examined him with a stethoscope and I also examined him with my hands. I examined him with my hands on his front and on his back.

(Witness excused)

358 WILLIAM A. BRAMS, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is William A. Brams and I am a physician by profession. I received the degree of Doctor of Medicine in 1912, from Northwestern University School of Medicine. I am licensed to prac-
359 tice medicine in the State of Illinois, and have been so licensed since 1912. I interned at Cook County Hospital for a period of twenty-one months. In 1930, I received a Master of Science from Northwestern University, and in 1934 I received a Doctor of Philosophy, also from Northwestern University.

I was in the regular Navy service from October, 1914, to the end of October, 1919, inclusive.

Yes, I have had the occasion to specialize in inter-
36 nal medicine. I have had study and training in that specialized field. The University of Vienna from 1919

to 1920; at the University of Berlin from 1920 to 1921; at the University of Paris for about nine months, also at the University of London, in New York and a return course at the University of Vienna in 1928.

Q. Are you a member, Doctor, of any professional society?

A. Yes I am.

Mr. Lee: Let me interrupt. If Your Honor please, the defendant-petitioner here is making a motion to strike out all questions and answers except his name, for the reason they are not pertinent to this kind of inquiry.

The Court: How do I know?

Mr. Lee: The background, specializing—

The Court: I don't know what the witness is going to testify to. Overruled at this time.

361 The Witness: I am a member of the Society of Internal Medicine in Chicago, Central Society for Clinical Research, Chicago Medical Society, the Illinois Medical Society, associated with AMA, American Medical Association, the American Heart Association.

I have been a faculty member of Northwestern University Medical School since about 1925 or 1926. I have written about 80, approximately 80 articles published in American, French, and German Medical Journals, and about five books.

Yes, I was present in the office of Judge John Gut-
362 knecht, the State's Attorney of Cook County, on the 28th day of March, 1953. While I was there I saw State's Attorney Gutknecht, first Assistant Mr. Austin, and Assistant State's Attorney, Mr. Bloch. There were about four or so other citizens, quite a number

of people sitting on chairs in front and five of the defendants.

I was present at the time statements were read by Mr. Austin and Mr. Bloch and while the defendant, Paul Crump, was present. At that particular time
363 while Paul Crump was present, Mr. Austin asked them about the treatment they had had. They said they were well treated and had no complaints. Yes, Paul Crump, was one of the persons that said that.

After the statements were signed by the defendants I was one of the persons who affixed my signature to some of them.

364 Q. Do you know whether or not Paul Crump signed all of them there at that time?

A. I am not certain about that, but I do remember distinctly that one of them refused to sign the statement except after consulting with his attorney.

Q. Do you know which one that was?

A. I am not certain.

The Witness: I conducted a physical examination on all five of the defendants. Yes, Paul Crump was one of them.

Mr. Lee: I am objecting to the testimony of physical examination he is going to give now unless there is a showing that such examination was requested by Paul Crump. If he did, it was in violation of his rights, if he did not request this man to examine him. The witness did not have any right to go through this examination unless so requested by this defend-
365 ant here, named Paul Crump.

The Court: There could be such a thing as acquiescence, though, without express authority to examine. I will overrule the motion at this time.

The Witness: I asked him if he had any complaints to make concerning his physical condition. He said he had none. Yes, I examined his entire body. I looked specifically for bruises, welts, or marks of physical violence or injury and I found none. Crump did not make any complaint to me about any type of physical injury.

366 *Cross Examination by Mr. Lee.*

I teach internal medicine at Northwestern University Medical School. I have taught various subjects and internal medicine, more or less allied with the general term "internal medicine."

My home address is 2226 Pratt Avenue, Chicago.

My speciality, internal medicine, pertains more or
367 less to all illnesses. It's any kind of illness. When I was abroad I was interested most in my field which was diagnosis. I am not a pharmacologist. As to dermatology, I had just the average courses in attending school. That was many years ago.

368 I call myself an internist. The dictionary definition means internal parts of the body, but not as applied to any medicine. It can be anything. For instance, a man can have syphillis which shows itself in the skin.

I live in Rogers Park. I lived in the same general neighborhood as the State's Attorney of Cook County. I have called on him as a patient. Yes, he's a personal friend, as well as a patient. I have known him perhaps ten years or more, something like that. My ac-
369 quaintance with Mr. Gutknecht wasn't social.

The occasion of my being here in the Criminal Court Building on the morning of March 28, 1953, was because he said that he would like a group of responsible citizens as witnesses here to see how a court proce-

dure is conducted in the open, on a fair and square basis. More or less those words. Yes, he, meaning Mr. Gutknecht. He said that to me over the telephone. I don't remember whether he called me at my home
370 or at my office. It was during the daytime, though. I don't remember the time of the day.

It was several days before I visited this building, not the day before. He told me on the morning of March 28th what hour my engagement would be.

Q. And you don't know if that invitation was extended to you on the day before or two days before or three days?

A. I said several days. I don't know the number but it wasn't the day before. That I am sure of.

Q. Was it three days?

A. It might have been. I don't know. I am not certain.

Q. Could it have been five days before?

A. It might have been on Monday of that week. I don't remember the specific date except it was a few days before.

371 Yes, I have my own psychoanalysis. I am sure the average internists have. I can't give to you how much is the average internist in measure.

I would say I have a very good knowledge of human nature. I have had no formal treatment as psychoanalyst. No, psychoanalysis has not been a hobby with me

I don't even know what the Coue Society is. I never
372 heard of Coue while I was in France.

373 I have never had a formal course in psychoanalysis and as far as in my practice, I size up human nature the same as any professional man does. No, I have not psychoanalyzed myself.

When I treated Mr. Gutknecht I saw him either in his home or in my office. Usually my office, at 55 East Washington.

Yes, it was Mr. Gutknecht personally who extended the invitation to me. I don't remember the day of the week. No, I did not call anyone at this office to
374 confirm that invitation. I just came to this building on March 28th, Saturday morning. I don't remember the hour, but I was here in the morning. I came straight here from my home. The first time I was in the Criminal Court Building was the time in which I was invited with these other citizens to come and see how such a procedure is conducted; on March 28th.

I don't know if the other citizens are residents of the City of Chicago, but they were the other people
375 who were invited to see how such a procedure is conducted. I don't know whether they were citizens or not.

I previously testified in this cause 53-672, a couple of years ago. To be more specific, June 1953 or thereabouts.

I received a summons or subpoena to come here to-
376 day. No, I do not have it with me. I received the subpoena in my office a few days ago. I don't remember the exact date. No, it was not yesterday.

Yes, since I received the subpoena I did receive a notice to come here. I was called last night to make sure to be here. I was called on the telephone at home. I don't remember who called me, but I was told to come here. He identified himself, but I don't remem-
377 ber the name. I was told to appear here about 10:30.

When I arrived I went to the second floor. I went to the State's Attorney's Office and inquired for Mr. McGovern. Yes, I saw Mr. McGovern, and while talk-

ing to him, he showed me a transcript of my prior testimony. I read it and refreshed my recollection.

I can remember the first time I was invited to come out here was in 1953, March 28th. No, I do not re-
378 member the time of the reception of the invitation to come to this building.

Well, as I testified before that Mr. Gutknecht called me several days before to come and see how such a procedure is being conducted. I don't remember his words. I remember the sense but not the words. I don't remember whether it was going to be a trial or what it was. He wanted to show before this group of people how his opinion what he termed a fair and square procedure, is being conducted, that's all. The
379 group of people that he had with him at the time. He did not tell me who they were going to be. I saw them there. There were four or five of them.

I told you I don't remember the exact words of Mr. Gutknecht the first time I received an invitation to
380 come to this building. I just remember the sense. I don't remember the exact date. I only know it was several days before.

Q. Do you know where you were when you received the invitation?

Mr. McGovern: I am objecting. Counsel has gone over this several times.

The Court: Sustained. He has said he doesn't know, doesn't recall, and he thinks it was received at his office.

The Witness: No, your Honor, at home, I think, but I am not certain.

381 I don't remember that he mentioned to me the names
382 of anyone who would be in the group. Nothing else was said by me and Mr. Gutknecht in that first telephone conversation, except I agreed to come.

Yes, I did subsequently find out I was coming out to this building to see the alleged robbers of Libby,
383 McNeil & Libby Company. I don't remember from whom I received the information before I came in the morning. I didn't know what I was going into.

Q. You don't know the legal status of the men who signed the papers, did you? By legal status, I mean you didn't know whether they were prisoners or free agents or what?

A. You mean after the proceedings began?

Q. At the time.

A. Yes, I knew then, of course.

Q. What did you know?

A. I saw it was a legal procedure then.

Q. Was it legal?

Mr. McGovern: Object. Calls for a conclusion.

The Court: Sustained.

384 Other than Mr. Gutknecht, I did not know anyone else on the second floor on March 28, 1953, Saturday. I later learned who Mr. Bloch was, but I did not know him before. I don't remember seeing Mr. McGovern, but I am not certain of my memory.

I don't know how many persons were in the room that I went into. I didn't count them, but there were quite a number, a large number. Roughly, thirty, forty, twenty, somewhere in there. I am guessing.

385 I think there were five of those persons whom I described as citizens. I think I might recall some of them. There was Mrs. Mellin, Mr. Buckley, Mr. Owens, Mr. Megan. I had never seen any of them before and the only reason I mentioned before that I spoke to Mrs. Mellin is that during my service in the Navy I was associated with her husband and I mentioned the fact to her and inquired if that was her husband. I don't know her first name. I think her husband's first name

is Robert, if it is the same one. I have never seen her before or since. I don't know that she has an occupation. Robert Mellin was a physician.

386 I do not know anyone at Libby, McNeil & Libby. I do not recall ever having heard the name of Trainor. I had not seen Mr. Megan or Mr. Owens before that time, nor have I seen them since that time. They were introduced at that time. I do not remember if the introduction was followed with a statement as to my occupation.

I am not teaching at Northwestern University this
387 year. I am now emeritus. I have not been called.

I have two degrees other than my M.D. They are Master of Science and Doctor of Philosophy. I received the Doctor of Philosophy from Northwestern University after receipt of the Doctor of Medicine. The degree was given for original research work and achievement in the field of medicine, and that was handled through the Medical School on Chicago Avenue. My thesis was Venous Pressure, pressure in veins.

388 I do know something about the heart of a human being. Yes, in a sense, that's my hobby. My favorite subject. I don't mean that at all.

Q. A Hobby is something, an avocation.

A. Not necessarily in this case.

Q. You said it is a hobby.

A. Yes, it's my favorite subject, a subject I am most interested in.

Q. Isn't a hobby something you play with?

Mr. McGovern: I object.

The Court: Sustained.

389 By hobby, I mean my favorite field of medicine, of medical activity. Yes, that's a part of internal medicine. I am also interested in practicing the other fields of internal medicine.

390 Yes, I am over at Passavant. By reason of the fact that I am on the faculty of Northwestern University, I automatically have privileges there, but my real active center is, I am Senior Attending Physician at Michael Reese Hospital; I am attending Physician at Cook County Hospital; I am on the staff at Wesley Memorial Hospital; I have been on the Attending Staff at Norwegian-American Hospital; I have been President of the Staff at Illinois Masonic Hospital and I was head of the Naval Hospital at Great Lakes during the first World War.

There is no such organization as the American Medical Society. I am a member of the American Medical Association. There is no such organization as the
391 College of Physicians and Surgeons. If you are asking me if I am a member of the College of Surgeons, yes. I am not a surgeon. I did practice surgery when I was in the Navy. I did not abandon it.

Never before had I been called by the authorities, political or governmental authorities, to officiate as I did on the second floor of this building on March 28, 1953. It was my first experience. The only ones I have had since have been the trial a few months later
392 and this. In the trial I was one of the witnesses who testified. No, I did not testify on the second floor of this building on March 28th.

There were three or four men who signed the papers down there. I don't remember distinctly who they were at this time. This is two and a half years later.

Q. Do you remember the boy Crump down there on the second floor that day?

A. Could I look at him closer?

Mr. Lee: Don't ask me, ask the presiding Judge.

The Court: Certainly, you may look at him. You may step down.

The Witness: Yes.

The Court: Let the record show that the witness stepped down to within eight or ten feet of the defendant and looked at him and then answered in the affirmative, yes.

(The Witness) I did see some other colored boys
393 there that day. There may have been more than just the five. I don't remember them, but those five I do remember. Yes, there were Crump, two Taylor boys, and a boy by the name of Tillman. And there was one colored man by the name of Riggins; and, referring to those boys as defendants is my way of express-
394 ing to tell they were there being interviewed. I had a course in medical jurisprudence.

Q. Have you a recollection of the signing of the document by each and every one of the five persons who were there?

A. One of them refused to sign unless he had advice, or something like that, of a lawyer or attorney.

Mr. Lee: I move to strike the answer as not responsive.

The Court: May I have the question?

(Last question read.)

The Court: Can you answer that directly? Objection is made that your answer was not responsive to the question.

The Witness: I have a recollection, if that is the answer.

Mr. Lee: Can you recall the time that Crump took the pen in his hand to sign?

A. No, I cannot.

Mr. McGovern: I object to that. The doctor has
395 testified he doesn't recall whether he signed or not.

Mr. Lee: Can you recall anything that Crump said at that time?

A. I don't remember.

(The Witness) When I came to this building on March 28th, I came as a spectator and not in a professional capacity or as a private citizen. I did not come as a physician. I did not know I was going to be asked to examine any men while I was there. I was told for the first time that I should examine these individuals about the time that the proceedings—if I am using the correct word—were just being over.

Q. Who said that to you? Who said something to you that you were to examine—

A. I don't remember who it was.

Q. Was it Mr. Gutknecht?

396 A. It might have been. I don't remember.

Q. Was it Mr. Bloch?

A. I don't remember.

Mr. McGovern: Object.

The Court: Sustained. He said he doesn't remember.

Mr. Lee: Do you remember making the examination?

A. Oh, yes.

Q. Did you ask this man Crump if he would permit you to examine him?

A. No.

Q. Was that the first time in your experience that you examined an individual without the permission of the individual?

Mr. McGovern: Object to that type of question.

The Court: Sustained.

Mr. Lee: You did not ask h. did you?

Mr. McGovern: I object.

The Court: He has answere ...at he did not.

(The Witness) Yes, I examined him in a different

397 room. I am not too certain, but I think it was on the

second floor. Crump and his companions went out to another different room. I followed them and there were a number of other people who I don't remember.

Mr. Lee: Did you have with you at that time any medical instruments?

A. No.

Q. You did not expect to make an examination, did you?

Mr. McGovern: Object, having been asked and answered.

The Court: Sustained.

338 It was a visual examination. It was palpable. I mean I felt, I looked. By palpable I mean with the fingers.

Q. Do you remember the palpation of Crump?

A. Yes.

Q. From the tip of his head to his toes?

A. From the top of the head to his feet, yes.

Q. Did you make any notation of your examination?

A. There was no need of it because—

Q. Did you make any?

Mr. McGovern: I submit the witness should be allowed to answer the question.

The Court: If it should be answered, yes or no, it should be answered yes or no. I will overrule the objection.

Mr. Lee: Did you make any notation of your examination?

A. No.

Q. That is ordinarily done by physicians, isn't it?

Mr. McGovern: I object to what is ordinarily done.

The Court: Sustained.

339 (The Witness). I don't remember whether or not Crump said anything to me while I was examining him.

I cannot answer yes or no if Crump walked up and down in front of me. Because of what happened, I had them turn around so I could see all sides. Yes, I did look for objective symptoms. From all of them. They said that they had no objective symptoms. They didn't use that word, but that was the sense.

400 Crump did not tell me that he had an injury to his hand. I don't remember that he said anything to me about an injury to his left leg, or to his ankle.

Yes, I knew those men were prisoners. I had never seen them before that morning. I don't know that thereafter they went into the County Jail.

Q. Did you give a bill for your services to the Cook County State's Attorney?

A. I had no intention of sending a bill.

Q. Was that a professional service you made?

A. At the time I did not intend to receive or ask for any bill or remuneration.

Mr. Lee: If you please, Doctor, did you perform a professional service or some medical service in that case?

401 A. May I—

The Court: I think you will have to answer that yes or no, because they are going to insist on it.

A. I did perform a professional examination.

Mr. Lee: And for that you make no charge?

A. I asked for no charge. I did not intend to submit a bill.

Q. That was a gratuitous service?

A. At that time, as far as I was concerned, it was gratuitous.

Q. And you were performing a gratuity for some person then, weren't you?

Mr. McGovern: I object to the form of that question.

The Court: Sustained.

I don't remember at whose request the examination was made. I don't think it was Mr. Gutknecht, but I am not absolutely certain.

402 I believe that I made a verbal report to somebody, certainly not written, but I don't remember to whom. I am not certain where the report was made by me on that day. I don't remember for sure. Yes, it was made in this building. I don't remember if it was made in the room where I conducted the examination.

I really did not look to see if any assistant State's Attorneys were present at the time I made the ex-
403 amination, except I knew there were some people there, but I didn't look to see who they were. My attention was focused chiefly on those people.

I looked specifically for marks of physical injury or violence on Crump. I didn't see any on any of them.

I found out that Crump was a prisoner that morning when I went there, and then I wasn't certain that he was a prisoner. I am merely assuming that he was.

I don't remember the kind of dress that Crump wore on that day. I don't remember the kind of dress worn by anyone of the five on that day. I don't remember the kind of dress I wore on that day.

404 The men were not manacled when I saw them. I did not see a bracelet put on them after the examination. I don't know where they went after my examination.

I did not know at the time of my examination that Crump had received medical attention from a private physician. I did not know at the time that Crump had been prescribed by a member of the medical profession, cough medicine, sulpha drugs and penicillin.

Yes, I did take a history of the men. I asked them if they received any injury anywhere and they said no. I did not ask Crump if he had been to a physician recently.

405 Mr. Lee: You did not know he had been?

Mr. McGovern: I object, having been answered.

The Court: Sustained.

No, I did not take his temperature. No, I didn't use any instruments at all. Just as I stated before, palpation and visual.

I did not see Mr. Gutknecht when I was here today. I did not ask for him. I live, roughly, a mile and one-half, maybe a little more, away from Mr. Gutknecht, up in Rogers Park.

(Witness Excused)

406 EDWARD McNALLY, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is Edward McNally and I am a Police Officer of the City of Chicago, assigned to the 18th District. I was assigned to the lockup at the 18th District on March 22, 1953. My tour of duty was from 12:00 to 8:00 A.M. on the 22nd of March, Sunday. I had a prisoner in my lockup by the name of Paul Crump.

407 At no time during my tour of duty did I or anyone in my presence, abuse or mistreat, beat or strike Paul Crump in any manner whatsoever.

Cross Examination by Mr. Lee.

No, I was not there when Crump was taken away. I was still there at 8 o'clock in the morning on the 22nd. Yes, Sunday morning; I am sure I saw him there that morning.

(Witness Excused)

408 WILLIAM CURRIN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is William Currin and I am a Police Officer of the City of Chicago. On March 22, 1953, I was with the Detective Bureau. On that day I was assigned to the lockup. That is on the 11th Floor. My tour of duty on that day was from 3:00 in the afternoon until 11:00 at night. I usually arrive early.

409 I was present in the lockup when Paul Crump was left by the Detective Bureau. It was about 2:40 P.M. I know that time because I checked the record and I also made the arrest slip. I saw Paul Crump when he came into the Detective Bureau on March 22nd.

I did not take the handcuffs off him and place him in a cell. I was there when the handcuffs were taken off. When the handcuffs were taken off in my presence, i did not see anyone kick him because he was slow in getting the cuffs off.

Yes, he was in my custody between that period until 11:00 P.M. March 22nd.

410 (Whereupon the witness denied that he, or anyone in his presence, did any of the following: walked Crump around awhile, and said to him "You will confess or you will hang until you do."

or words to that effect; took something which looked like a leather thong, placed it around his wrist and under his arms and lifted him up so the tips of his toes just barely touched; while he was suspended in the air, kicked him in the foot and in the stomach; hung him in that manner for approximately three hours; during that period, mistreated or struck Paul Crump in any manner whatsoever.)

Cross Examination by Mr. Lee.

411 On Sunday, March 22nd, it was probably a quarter to 11:00 or 10:45 when I went home. I got there between 2:30 and a quarter to 3:00. I received this prisoner at 2:40 P.M.

Yes, I did look up the records before I came here to confirm that, not in the record room; there's an arrest slip that is kept as a permanent record. I looked at that today. It is not kept in the record room. It is kept on the second floor with the desk sergeant.

There were two of us on duty as lockup keepers at
412 that time. . . . . Officer DeWhale, Joseph DeWhale.

I checked the arrest slip notation to hold him for Lt. Pape. That was for the robbery detail. At that time I did not know whose prisoner he was.

When I received him I put him in a cell. I was not told to put him in any particular cell. I don't remember what cell I put him in. I am sure it must have been with other prisoners because there was a show up at that time and we had a lot of prisoners in them.

413 I didn't see Crump leave the lockup at all at the time I was there.

The lockup just about occupies half of the 11th Floor. There are eighteen cells. There is no limitation on the number of prisoners you can put in any particular cell. At night we try to put two in a cell.

I don't remember whether Crump was by himself or not. He was fingerprinted at the time he came in at 2:40 P.M that day.

(Whereupon a recess was taken until 1:30 P.M.)

414 Before the Honorable Elmer Holmgren.

Court convened pursuant to recess; 1:30 P.M., November 30, 1955.

Present: Mr. Joseph McGovern, Mr. Robert Cooney and Mr. Stephen Lee.

JAMES HASTINGS, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

415 My name is James Hastings. I am a Police Officer of the City of Chicago and was such officer on March 22nd, Sunday, 1953. Yes, on that date I was a wagon man.

On that date I had an occasion to take a prisoner by the name of Paul Crump out of the lockup at the 18th District Police Station. It was about 2:05 P.M., around there.

I took him from the 18th District to the Detective Bureau lockup. I turned him over to the lockup keeper at the Detective Bureau.

At the time I turned him over I did not kick Paul
416 Crump while I took the cuffs off. I did not, nor did anyone in my presence, abuse him at any time on that date.

Cross Examination by Mr. Lee.

Q. You drove the car from 48th and Halsted up to the Detective Bureau?

A. No, I rode with them.

Mr. Lee: You rode in the back. That's all.

(Witness Excused)

GEORGE SCHOLTZ, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is George Scholtz and I am a police officer of the City of Chicago assigned to the Detective Bureau as a lockup keeper at the present time.

417 On March 22nd, Sunday, 1953, I was lockup keeper at 11th and State Streets. My tour of duty was from 11:00 at night until 7:00 in the morning. In the lockup on the 11th floor I had a prisoner in my control and custody by the name of Paul Crump.

(Whereupon the witness denied that he, or anyone in his presence, abused or mistreated Paul Crump in the ways and manners alleged by the defendant.)

418 No, during that period Paul Crump did not faint and have to be revived.

It is part of my duties as lockup keeper to feed the prisoners. Yes, I did have an occasion to feed Paul

419 Crump. We fed them between 5:30 and 6:00 in the morning.

Cross Examination by Mr. Lee.

I don't remember whether or not Paul Crump ate. At the time he was in the lockup, he was the same as any other prisoner.

I looked at the list or record yesterday.

I have been assigned to duties in the lockup for the past 20 years.

420 The lockup for men only constitutes a good part of the 11th floor of the building at 11th and State. It is not the only lockup for men in the building. There's a men's lockup on the third floor, narcotic prisoners are held there.

421 I did not know at that time whether or not Crump was a prisoner charged with having committed an offense. There are prisoners in the lockup from time to time that are held pending placing of charges against them. Those against whom no charges are placed are held, what they call "booked open".

Q. And from the list of prisoners that you keep, you distinguish between those that are booked with an offense and those that are booked open.

Mr. Cooney: Object to the form. It is asking for a conclusion on the part of the witness.

The Court: Sustained.

The Witness: Crump was not booked at that time.

422 I was there until 7:00 in the morning. I believe Crump was still there at a quarter to seven in the morning. He was not booked at that time.

Yes, from time to time various police officers visit the lockup and take prisoners away from the lockup. I would not remember whether or not Crump was withdrawn from the lockup and taken to a different lockup on March 22nd, which was a Sunday.

I do know a good many of the various members of the Robbery Detail. I know Lieutenant Pape. Yes,

I have been in the courtroom all day. I was here yesterday from about two o'clock.

423 I don't remember if anyone took Crump away that evening of the 22nd. I don't believe he was there on my tour of duty on the 22nd. He was there when I came to work on the 23rd, midnight. I checked all the prisoners when I came to work. I saw him in the cell. I saw him when I left that morning. I did not

424 see him prior to midnight, or 12:01 A.M., March 23rd. The only time I saw him was in that period from 12:01 A.M., March 23rd until seven in the morning.

In that period I don't remember anyone coming up to see Crump. I don't remember anyone taking him away.

The other lockup in the building is confined exclusively to narcotic prisoners for men. The lockup constitutes a good part of the eleventh floor. No, it does not go from the north wall to the south wall of the building. Half of the building, the other half is the First District lockup. The south half is the First District lockup. At that time Crump was in the north half, Bureau lockup.

425 No, all of the lockup is not visible to the lockup keeper. Not from our desk it isn't.

Q. Does any member of the Police Department of the City of Chicago have keys to the lockup besides the lockup keepers?

A. No, sir.

Mr. Cooney: Object to that. That is asking for a conclusion.

The Court: Well, I will sustain objection on the ground that I don't see it is material on cross examination.

(Witness excused.)

ROGER MURPHY, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Roger Murphy. I am a
426 Police Officer of the City of Chicago. I was a Police Officer on March 23rd, Monday, 1953.

On that date I was a lockup keeper at the Detective Bureau. That is on the 11th floor at 1121 South State Street. My tour of duty on that date was from 7:00 A.M. to 3:00 P.M.

On that early morning, as part of my detail from seven o'clock on, I had a prisoner in my custody and control by the name of Paul Crump. He was released from the lockup, released from the custody of the Detective Bureau on that date at 10:40 A.M. I checked the record before I took the stand. He was released at 10:40 A.M., March 23rd.

427 (Whereupon the witness denied that he, or anyone in his presence, mistreated or abused in any way or manner the defendant Paul Crump as testified to by said defendant.)

428 *Cross Examination by Mr. Lee.*

Q. You never saw prisoners mistreated in the lockup, is that right?

Mr. Cooney: Object. Immaterial for this purpose.

The Court: Sustained.

(Witness excused.)

IRWIN BLOCH, called as a witness on behalf of the People, having been first duly sworn was examined and testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is Irwin Bloch. I occupy
429 a position of trust with the County of Cook. I am the First Assistant's State's Attorney of Cook County. During the month of March, 1953 I was then an Assistant State's Attorney for the County of Cook. My business or profession is that of a lawyer.

On March 27, 1953, at or about the hour of 10:30 P.M. I was present in State's Attorney Gutknecht's office here in this building where the defendant, Paul Crump, was also present. Also present was Richard B. Austin then an Assistant State's Attorney of Cook County. While I was present in that room Mr. Aus-
430 tin did not say to Crump in my presence, "We have waited too long, I have no need for you now." I did not, nor did anyone else say that at that time and place.

(Whereupon the witness denied that he, Mr. Austin or anyone else in his presence said the following to Paul Crump: "I know that you and David Taylor and Harold Riggins were in this robbery. I know how you were dressed, that you were dressed in dark clothes and you had a goatee"; that his attorney was in jail for consorting with criminals; "David Taylor's wife is in custody and I have a warrant for your wife";
431 Paul Crump's wife had bought rubber gloves and made hoods and masks; if he did not make a statement he would be sent back to 11th Street, ask him how he liked it at 11th and State Street, or

downstairs; if he made a statement he would get the five thousand dollar reward; made a state-
432 ment that he would get a reward of any kind whatsoever; make any promise of reward or immunity whatsoever to the defendant Paul Crump; "Now, you are going to be sent back to 11th and State Street.")

I did not hear Paul Crump say to Mr. Austin or to me, "You promised me you would not send me back to 11th and State Street".

I did not, nor did anyone in my presence strike, kick, beat or abuse this defendant Paul Crump in any manner whatsoever.

433 On that evening of March 27th, 1953, I was present during the time that Paul Crump went into State's Attorney Gutknecht's office. I was present during all the time he was being questioned by Mr. Austin.

I was present on the morning of March 28, 1953, in State's Attorney Gutknecht's office. At that time Mr. Austin did not make any promises of reward to the defendant Paul Crump for any purpose.

Cross Examination by Mr. Lee.

434 The Witness: In March, 1953, I was a regular Assistant State's Attorney.

On the morning of March 26th, Thursday, 1953, I had been in the building over night. I did not leave the building on the morning of March 26th. I must have been in the building on the arrival of Crump as a prisoner on Thursday. I don't recall Crump arriving on the second floor. I can recall seeing him shortly before eleven o'clock that morning. At the time
435 he was in Chief Olson's office. Chief Olson's office is on the southeast corner of the second floor of the building.

I prosecuted proceedings in this particular indictment number 53-672. I prosecuted the case to a determination in June, 1953.

Q. And you, having prosecuted the case was because of your special assignment to a proceedings known as Libby, McNeill and Libby—

Mr. McGovern: Object to the form of the question and also on the basis it is immaterial.

The Court: Sustained.

The Witness: I was asked to prosecute this case.
436 At the time I was assigned to the preparation of it I did not know I was going to prosecute it.

Mr. Lee: Now, at the time you were specially assigned to work of whatever nature it may have been as Assistant State's Attorney, that was about the time, about Thursday, March 26, 1953.

Mr. McGovern: Object to the form of the question.

The Court: Yes, I will have to sustain it as to the form of the question. Put another question.

The Witness: I don't recall the date I was asked to prosecute it. I got a call on Wednesday night, March 25th, it must have been about eleven o'clock, I was asked to come down to the office to take a statement from one Hudson Tillman. Yes, I had that state-
437 ment. I stayed the rest of the night.

I knew that Crump had arrived in custody in this building that Thursday morning, but I don't remember seeing him on arrival. The first time after I saw him in the building I did not know when he had left. As a matter of fact, I had gone home some time later that afternoon because I hadn't had any sleep the night previous.

On the following day, Friday, I did see him. I saw him in a lineup on Thursday, that Thursday morning, on March 26th.

On March 27th I saw Crump in State's Attorney
438 Gutknecht's office, on that evening. Right now that's when I recall seeing him on Friday. I don't recall having seen him otherwise on that Friday. I may have but I don't recall it at the present time.

Crump was a prisoner of the police. He was a prisoner of the Chicago Police. At that specific time he was not charged with an offense. Friday when he had finished making the statement in State's Attorney Gutknecht's office, I know that there were instructions to either book him for murder, or I don't know if an inquest was set for the following morning. I don't remember that. I knew he was going to be
439 charged when I left this building Friday night. There was no warrant existing for his arrest; he was already in custody.

Q. Now, Mr. Bloch, to your knowledge when was there issued any process for the commitment to the common jail of Cook County of this man?

Mr. Cooney: Object to anything that happened after this inquiry—

The Court: Sustained.

Mr. Lee: Our cross examination shows he was in the building from Thursday morning directly on—

Mr. Cooney: Object to the form of the question. It is repetitious, from Thursday morning on. I don't know what it means.

The Court: If he knows the answer.

A. I know he was in custody there in the State's Attorney's office on Thursday. It had been my understanding that on Thursday night he was taken to a

police lockup, that he did not remain in the State's Attorney's office on Friday night. I believe he was kept in the witness room in the County Jail awaiting the completion of his statement to be typed for Saturday morning in order for him to be given the signature
440 on them and he wasn't constantly in the State's Attorney's office, but I think, roughly, that was the sequence that he was in our office here in the Police District Thursday night and Friday night until Saturday morning he was lodged in the witness quarters in the County Jail.

Q. And there were other persons arrested and in custody in this building in the same affair as Crump. There were others?

A. Yes.

Q. Now, have you any knowledge of the State's Attorney of Cook County representing the respondent in a habeas corpus proceedings in the Criminal Court building on Friday, March 27th?

Mr. McGovern: Object, being immaterial.

The Court: Sustained.

Mr. Lee: If I may—

The Court: I don't see the materiality of how that is proper cross-examination. The dates that were mentioned on direct examination ran into and included March 27th had to do with the incarceration of this defendant and events surrounding this defend-
441 ant's incarceration, and what happened while he was in custody has nothing to do with any habeas corpus proceedings that might be instituted for some other prisoner.

(The Witness) I did not see Crump in any lockup on either the 26th or the 27th of March, 1953. I don't recall having talked to him myself as an official of the State's Attorney's office. The only time I can recall

hearing him talk is when Mr. Austin was asking him questions. And also on March 26th in the early part of the afternoon. That was when the statement was
442 taken jointly from Crump and Eugene Taylor.

Q. Which also was signed and reduced to writing. I mean which was reduced to writing and signed by—

Mr. McGovern: I am objecting to the form of the question. It calls for two answers.

The Court: Sustained. Ask one question at a time, Mr. Lee.

Mr. Lee: Yes, Judge.

Q. Mr. Bloch, you had a conversation by telephone on Saturday morning, March 28th with a physician known as Dr. Brams.

Mr. Cooney: Object, beyond the scope of direct examination.

The Court: Yes. Sustained.

(The Witness) Crump and the others that were under arrest at that time signed documents on Saturday morning, March 28, 1953, in the State's Attorney's office. Mr. Austin and myself, I believe were the only
443 Assistant State's Attorneys that I could recall that were present on that morning. Judge Gutknecht was present. Yes, and police officers: Captain Reynolds and Chief O'Malley, Chief of the Detectives, and there were some civilian people that were present too, a Mrs. Mellin, Mr. Graydon Megan, Jeremiah Buckley and John Owens. I can't recall who else was present but I know all those people were present. I believe Miss Kahn or my secretary may have made arrangements to have those people present. I don't recall now but I can recall that somebody associated with our office made those arrangements to have those people come in and be present at the time the statements were to be read to the defendants.

444 I don't recall talking to anybody myself to these people to have them come in. I can recall that someone, either Judge Gutknecht's secretary, or himself, or my secretary did make some arrangements and some telephone calls and I don't know whether it was that morning or late Friday night, around midnight when the calls were made to Mr. Megan, Mrs. Mellin, Mr. Owens and Dr. Brams to have them come in.

445 At this time I can't recall whether my recollection is because I was present or because I heard it subsequently discussed as to how these people came, but I do know arrangements were made through our office to have these people come in, invite them to witness the reading of the statements to the defendants and the signing of their signatures. I really can't tell you whether I participated in the making of those arrangements for those visitors or whether it was done in
446 my presence. I may have made a call. I just don't remember whether I did it or I overheard somebody say they were going to do it. I may have made the calls myself. I don't really recall if I did it, or if I did to whom it was. There were about five or six people that had been invited to attend, or more.

Prior to that time I had been an Assistant State's Attorney for only about three months. I came into this office January 1, 1953.

The reason for the outsiders coming to the State's Attorney's office was, it had been our experience that claims of duress were often times frivolously made and it was with the intention of calling in people of high
447 reputation and whose credibility was beyond reproach to come in and witness the reading of these statements and to call in a doctor of high repute that had never made a practice of testifying in criminal cases, to come

in and make an examination of all the defendants, because we had taken such great pains to treat them so well that we 'did not want' subsequent claims of duress to in any way upset the prosecution of this case. That is what motivated this, to my knowledge.

And that was the reason I say that we called such persons as Jeremiah Buckley, Mr. Graydon Megan, a member of the Chicago Crime Commission, I believe an officer at the time, and John Owens who is a prominent attorney and Dr. Brams who is a prominent physician and Mrs. Mellin, who I understand, and who I had no previous acquaintance with, who I understand to be a woman who has a reputation for being interested in civic affairs and a civic leader.

448 Q. Now, based on that prior statement, I ask you this, did you at that time anticipate that a proceeding of this nature, on which you are now testifying, might arise?

A. Not based on my prior statement, but based upon my experience of ten years in the criminal courts where I heard the claim raised rather frivolously, and almost in every case where a confession was obtained.

Q. And when you were engaged in the defense of criminal cases you were called often to bar the admission of statements, weren't you?

Mr. Cooney: Object. Immaterial.

Mr. Lee: He just states—

The Court: Sustained.

(The Witness) Yes, I wanted at this sitting that morning for the signing of these documents by those persons under arrest, a representation of society generally of the City of Chicago and County of Cook.

449 I never saw Dr. Brams nor Mrs. Mellin prior to that.

Q. Are you acquainted with a man by the name of Trainor at Libby, McNeil and Libby?

A. Who?

Q. Trainer of Libby, McNeil and Libby Company.

A. No, I am not. At least I can't recall. That name sounds foreign to me at the moment.

Q. You had been engaged in conversations with officials of Libby, McNeil and Libby during that period.

Mr. McGovern: Object.

The Court: Sustained. Some of these questions might be all right on the trial of this cause, but in this inquiry it is a limited inquiry. We can't go too far afield.

450 (The Witness) Yes, I am familiar with the criminal code of the State of Illinois.

Q. And you also, by virtue of your position of State's Attorney have knowledge of a statute that specifically requires an arrested person to be imme-
451 diately brought before a magistrate or other nearest Court—

Mr. McGovern: Object to that.

The Court: Sustained.

Mr. Lee: Did you know at that time that Crump had been previously arrested in connection with the same case?

A. At what time?

Q. On or about March 26, 27 and 28th.

Mr. Cooney: Object to it, Judge, the answer may prejudice the defendant on this hearing in front of the Court and prejudice the mind of the Court and for that reason we object to it in case counsel doesn't know the answer?

The Court: Sustained.

(The Witness) I don't recall seeing Gerber in the State's Attorney's office on Thursday or Friday, March 26 or 27 respectively, 1953. I may have but I don't
452 recall that. I don't recall Gerber's name being mentioned on the evening of March 27th.

Yes, I was present when Crump came into the presence of Mr. Austin that evening. I recall Crump saying something when he arrived in the presence of Mr. Austin preceding the taking of a statement.

Mr. Austin greeted Crump and told him there was somebody in the room whom he hadn't seen for a week, and with that Crump and Harold Riggins ex-
453 changed greetings. Crump said, "Hi, Harold" and Harold Riggins said, "Hi, Paul" and then Mr. Austin told Crump that both David and Eugene Taylor and Riggins had made statements telling about everybody's participation in this holdup killing at the Libby, McNeil Company and he said, "You could inquire of the men, Paul to verify what I am telling you or to make sure I am not kidding you", and then Paul turned to, I believe David and Eugene Taylor, and if my memory serves me, I think it was David that said, "That's all right Paul, they had the cash box and pistol and the money that they recovered and we figured there was no use so we have told everything and you may as well do the same".

With that Mr. Austin asked Crump whether he wished to make a statement and Crump said yes, or I might as well, or words to that effect and then the statement was taken.

If Eugene Taylor said anything about Gerber just before that I don't recall it. I don't recall anything
454 said. I don't recall Gerber's name being mentioned at all.

Redirect Examination by Mr. McGovern.

(The Witness) The Chief Olson I spoke about is now Chief of the State's Attorney's Police. I know that at the present time he is outside the state and he will be, to my knowledge, until December 12th.

(Witness Excused.)

JOHN P. O'MALLEY, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

(The Witness) My name is John P. O'Malley. I
455 am a Police Officer. At the present time I am Chief of Detectives of the Chicago Police Department.

On the 27th day of March, 1953, I was present in State's Attorney Gutknecht's office here in this building, the Criminal Court Building at or about the hour of 10:30 in the evening. I was present when the defendant, Paul Crump was present. While I was present I did not hear anyone make any threats of any type to the defendant Paul Crump. Yes, Mr. Austin, the First Assistant State's Attorney was also present in the room.

456- (Whereupon the witness denied that he, Mr.
457 Austin or anyone else in his presence told the defendant Paul Crump any of the statements testified to by the defendant.)

458 I did not, nor did anyone in my presence, at any time strike, beat, kick or abuse the defendant Paul Crump in any manner whatsoever; no threats were made to the defendant Paul Crump; no one in my presence made any promises of reward or of immunity to the defendant Paul Crump.

Cross Examination by Mr. Lee.

I first saw Crump on the morning of the 26th of March here at the State's Attorney's office. It was between six and seven o'clock, sometime thereabouts. I saw him on the second floor in the room they call the Bond Department. During the day, March 27th
459 I saw him several times.

On March 26th I did not have an occasion to see a lawyer by the name of William Gerber. On that day, Thursday, I was in the presence of Mr. Austin on several occasions. No lawyer by the name of Gerber talked with me with reference to Crump. He did not talk with me with reference to any of the other prison-
460 ers. I did not see him on the 26th or the 27th.

As Chief of Detectives of the Police Department of the City of Chicago I am the commanding officer of the Detective Division, that includes the Robbery Detail. It also includes the Homicide Squad.

I was not around the Police Headquarters at 1121 South State on the evening of March 22, 1953. I heard Crump had been a prisoner in that building at that time. Yes, I also knew he was released. Yes, I knew when he was picked up the second time; that was on the morning of the 26th.

461 I issued the orders and made the assignment of the arresting officers to arrest Crump on the morning of the 26th.

No, there was no warrant issued from any Court for his arrest at that time.

Q. When you issued orders, who was the first person to whom you gave the orders?

Mr. Cooney: Object. Immaterial. Beyond the scope of the direct examination.

The Court: Yes, I think it is. Sustained. Some of these questions would be proper at the trial of the cause, but for the purpose of this inquiry they are not pertinent, in my opinion.

(The Witness) I was present in the State's Attorney's office on Friday night, March 27th. I was present when Crump made the statement.

462 I don't recall who brought Crump from the lockup into the State's Attorney's main office. I can't recall where he was before he arrived in the State's Attorney's office that evening.

(Witness excused.)

JAMES McMAHON, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

(The Witness) My name is James McMahon. I am
463 a Lieutenant of the Chicago Police Department. At the present time I am in charge of the Homicide Section of the Chicago Police Department.

During the month of March, 1953, my rank in the Police Department at that time was Sergeant. I was then also assigned to the Homicide Section.

I was present on the evening of March 27th, 1953, at or about the hour of 10:30 P.M. in the office of State's Attorney Gutknecht when the defendant Paul Crump was also present. At that time and place I also saw Mr. Austin, the First Assistant State's Attorney, and Mr. Bloch.

464 (Whereupon the witness denied that he, or any-
465 one in his presence, made any of the statements to the defendant Paul Crump as previously testified to by the defendant.)

466 (The witness denied that he, or anyone in his presence, struck, beat, kicked or abused the de-

fendant, Paul Crump in any manner whatsoever; that he ever threatened the defendant Paul Crump; that he or anyone in his presence at any time ever made any promise of reward or of immunity to the defendant Paul Crump for any purpose whatsoever.)

I was present with Mr. Austin, during the time that the statement was taken from Crump.

Cross Examination by Mr. Lee.

467 (The Witness) Yes, I saw Crump before that evening of March 27th, 1953. I saw him on March 26th, 1953. That was the first time I saw him. It was in this building on the morning of the 26th. When I saw him he was in a room on the second floor; I understand that is known as the Warrant Room, close to Captain Olson's office.

I did not see him in a cell in this building. I did not see him handcuffed to a chair. I was not in the building the entire day of the 26th. I was here early
468 in the morning of the 26th, then I went away. I returned on the 27th, Friday.

I did not see Crump that Friday afternoon, March 27th. It was late that evening when I saw him on Friday.

I did not see him the previous week-end at 11th and State Streets.

(Witness excused.)

469 JOSEPH LENERT, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

(The Witness) My name is Joseph Lenert. I am a Police Officer with the rank of Lieutenant and now assigned to the 30th Police District.

In 1953, in the month of March, I was assigned to the State's Attorney's office. I was then a Sergeant of Police. I was in charge of the lockup on the second floor. That's the lockup for the State's Attorney's
470 office. I was responsible for and was in charge of the lockup on March 26th, 1953, on March 27, 1953, also. The same for March 28, 1953.

On March 26th I did have the occasion to have a prisoner in the lockup by the name of Paul Crump. I had the occasion to have Paul Crump in my lockup on more than one occasion over the period I have just mentioned. All during that time I was in charge of the lockup.

At no time when Paul Crump was in my lockup on the dates mentioned did I or anyone in my presence
471 stamp on his feet and knock him around. I did not nor did anyone in my presence while Crump was in my care, custody and control on the dates in question abuse or threaten to strike him or beat him in any manner whatsoever.

Yes, it is one of my duties to feed the prisoners. Yes, food was provided on those dates in question for the prisoners in my lockup.

Cross Examination by Mr. Lee.

(The Witness) At that time the lockup on the second floor of this building was in Room 290. It is to the south of the State's Attorney's office. It is in that passageway that is parallel to California Avenue.

472 We did not sign a receipt for the reception of Crump as a prisoner. The man was received in our lockup when we put him in the lockup. Yes, I did make a memorandum; I had his name on our sheets. I did not make a memorandum at the time he left the lockup, not during the day. I did not make any when he came back.

I had him as Lieutenant Olson's prisoner. I understand it was from Chief O'Malley, Detective Bureau. I had him marked as a prisoner of Lieutenant Olson's, now Captain Olson, who was at that time in charge of the Police of the State's Attorney's office.

Crump was brought in with handcuffs and they were taken off him when he was put in the lockup.

473 All the talking was done in Chief Olson's office, or Mr. Gutknecht's office. I was not present. I did not see him at any time handcuffed to a chair.

(Witness excused.)

FRANK W. PAPE, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

(The Witness) My name is Frank W. Pape and I
474 am a Lieutenant of the Chicago Police Department. I am the officer in charge of the Robbery Detail of the Chicago Police Department.

During the month of March, 1953, I was a Lieutenant of Police in the City of Chicago. I saw the defendant Paul Crump on the 22nd of March, 1953. At the time that I saw him it was in my office on that particular occasion. It was between the hours of three and four o'clock in the afternoon. No one else was present at that time.

(Whereupon the witness denied that he, or anyone in his presence, beat, struck, kicked, abused, elevated, blindfolded, or walked the defendant Paul Crump.)

I did not, nor did anyone in my presence, make any promise of a reward or immunity to Paul Crump in order to have him make a statement.

Cross Examination by Mr. Lee.

(The Witness) I have been in the Police Department of the City of Chicago for 22 years. I have been assigned to the Detective Branch of the Police Department for 16 years. All of that time to the Robbery Detail.

The first time I saw Crump was on March 21st, the early morning at about 12:30 A.M. I believe. At the 18th District. I don't recall who was there. There were police officers present.

I was already assigned and was working on the alleged robbery and murder at Libby, McNeill plant. I started that particular investigation on the 20th of March, the day of its occurrence.

I saw him on the early morning of March 21st and saw him again on the afternoon of March 22nd. I don't remember what time I came back and reported for duty on Sunday, March 22nd.

Q. Now, in your 16 years experience on the Robbery Detail you are familiar with various articles of property such as shotgun that was mentioned by Officer—

Mr. McGovern: Object, beyond the scope.

The Court: Sustained.

The Witness: I am presently in charge of the Robbery Detail. The Robbery Detail occupies several offices on the third floor at 1121 South State.

We carry shotguns and machine guns, etc.

(Following an objection by the People a conference was had between the Court and Counsel, inaudible to the reporter.)

We carry tear gas bombs and tear gas guns. Those articles of property are the property of the Police Department and not of the particular Robbery Detail. The articles of property are not in the custody of the Robbery Detail, the custodian who has charge of the vault where this equipment is stored has charge of it.

The individual members of the Detail have their own pistols. They may carry handcuffs, flashlights, and so forth.

The interrogation of prisoners arrested by the Robbery Detail takes place in the Robbery Detail offices in the Police Building.

(Whereupon the witness denied that members of the Robbery Detail are possessed of any rope, pulley arrangement, leather cuffs, straps of any kind, leatherlike bindings.)

I have never seen any leatherlike bindings fastened to the arm of prisoners from the wrist to the elbow. I have never used them.

482 I don't remember the time that I arrived and reported for duty on that day. As a Police Officer I don't punch a clock. I don't punch a clock when I go. I could not say what time it was when I arrived that day. That's almost three years ago. I don't remember what time I went home that day, March 22nd, 1953. I think it was some time after the show-up. That would be, roughly, about five o'clock or thereabouts.

I was not here yesterday. I previously testified in this case number 53-672.

483 Q. You are familiar with the term that they use called the third degree?

A. I've heard about it.

Mr. McGovern: I am objecting and move to strike it.

The Court: I will let it stand. Overruled.

Mr. Lee: What is the third degree?

Mr. McGovern: Object.

The Court: Overruled. If he knows, he may answer; if he doesn't he will say so.

The Witness: From my experience I would say most defense lawyers can tell more about it than any policeman.

Mr. Lee: That remark wasn't in the nature of an answer.

The Court: Do you or don't you?

The Witness: I don't know what you are referring to.

Mr. Lee: Of course you studied the question of police, haven't you?

A. Well, I did the best I could with it.

Q. In connection with your elevation on two prior occasions you have advanced yourself by study?

A. I have.

484 Q. And by excellence in the performance of duty, that's right, isn't it?

A. That's right.

Q. And in connection with your study you became familiar with the term third degree, didn't you?

Mr. Cooney: Object. Immaterial. What was done in this case.

The Court: Sustained. You may ask the witness any questions that have to do with events that were brought out in the direct examination, but to ask general questions of that kind, that I cannot permit. Objection sustained.

Mr. Lee: On Monday, March 23rd you had a conversation with a lawyer that called at the Police Building in regard to Crump didn't you?

A. Yes, there was a lawyer.

Mr. Cooney: I object.

Mr. Lee: March 23rd they were in custody—

Mr. Cooney: Conversation outside the presence of the defendant doesn't influence the Judge one way or the other. Object.

The Court: Sustained.

The Witness: I saw Crump on Monday, March 23,
485 1953. I saw him in my office. He was brought down to me. I don't know who brought him down. Some police officer, at my request. At that time I had a conversation with Crump.

Crump had not been booked for any offense up to that time. On that date he wasn't booked or charged

with any offense. In that respect a special was made on this case. In checking the records I find he was released about 10:25, so it would be about 10:00 when I spoke to him.

I did not see anyone strike him. I did not use rough
486 words with him.

(Witness Excused)

MILTON HAHN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Milton Hahn. I am a Police Officer of the City of Chicago assigned to the 15th District, Englewood.

On March 26th, 1953, I was in the 18th District, Stockyards. I was on duty between four and twelve midnight. I had an occasion to receive a defendant by the name of Paul Crump on that date. He was in
487 my lockup and under my care and custody from sometime during that period of March 26, 1953.

The first time I saw Paul Crump was between 6:00 and 6:30 on that dat . Captain Reynolds, Officer Walsh and Officer Rock turned him over to me.

During the time he was in my lockup and under my care, custody and control, I did not abuse or mistreat or beat him in any way. Yes, he was fed during that time.

Mr. Lee: No cross examination.

(Witness excused)

ANTHONY OKLAPEK, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

488 The Witness: My name is Anthony Oklapek and I am a Police Officer assigned to the Detective Bureau, Confidence Detail.

On March 26, 1953, I was a Police Officer assigned to the 18th District. I had a specific or special assignment during the night of March 26, 1953. I was called as a special guard over two prisoners, Crump and Taylor. I was called about 7:30. They were in the cells at the 18th District. My duty was to sit, observe and watch them.

489 At no time during the period I observed them did I or anyone in my presence abuse or mistreat them in any manner.

I was on this particular assignment until about near 12:00 midnight when I was relieved by Officer Bykowski.

Cross Examination by Mr. Lee.

The Witness: I was specially assigned by my Desk Sergeant. I did not see Captain Reynolds at that time.

(Witness excused)

JEROME BYKOWSKI, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

490 The Witness: My name is Jerome Bykowski. I am a Police Officer of the City of Chicago and was a Police Officer on March 26, 1953. I was assigned to the 18th District.

I am the Officer Bykowski that was referred to by the previous witness, Officer Oklapek. On the 26th of March I relieved Officer Oklapek before 12:00 midnight. My assignment was to guard two prisoners to see that nobody had any contact with them.

Paul slept all night long; both did. Paul was in
491 the cell about 12:00.

I remained on guard until shortly before 8:00 p.m. or 8:06 a.m.. Shortly before 8:00 a.m.

During the time that I observed him I did not nor did anyone in my presence abuse or mistreat him in any way whatsoever.

I am not the officer that turned him over to Officer Rock to have him taken over there.

Cross Examination by Mr. Lee.

The Witness: No one came to the cell at that time.

Q. Did you know why you received that special assignment?

Mr. Cooney: Object.

A. No. Orders from my superior at the time.

Mr. Cooney: What he saw, what he observed and what he did. Not his mental conclusions.

492 The Court: Sustained.

The Witness: I wouldn't know if Crump was not booked at that time for any offense. My orders were not to let anybody talk to Crump. I wouldn't know if he was held non-communicado.

(Witness excused)

GREGORY GUINANE, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Gregory Guinane and I am a Police Officer of the City of Chicago. I am as-
493 signed to the 18th District. On March 27th, 1953, I was assigned to the 18th District.

Yes, I did have occasion to be assigned to the special detail that relieved Officer Bykowski, the man that just testified. I relieved him at about approximately 8:00 in the morning. I was the regular lockup keeper. I had occasion to have in custody Crump until 10:00 in the morning. I turned him over to Officers Rock, Sullivan and Walsh. They took him from my custody.
494 During the time I had him in my custody I did not abuse, threaten, or promise him anything if he would make a statement.

Cross Examination by Mr. Lee.

The Witness: Yes, Crump did not stay in the cell from 8:00 until 10:00 that day. Nobody talked to him on this March 27, 1953.

I did not see Captain Reynolds at the station that day. I did not see Crump leave the Police District building. They cuffed him and took him out. I can't see from that enclosure. Yes, I saw them walk out
495 of the lockup room. After they walked out of the lockup room they walked him out the back door. I don't know where they took him out. I can't see the entrance of the building. The back door of the lockup leads to the garage, out to the outside.

Yes, three policemen walked out of that door with Crump. This was on Friday, March 27th, 1953. I

was in the lockup room all the time—for two hours. I received the assignment from the Sergeant. That was my regular assignment for the day. It was not my assignment as to two special prisoners. I was lockup keeper for that day.

496 I wouldn't know whose prisoner he was. He was on the books at the station. Yes, he was on the book in the lockup room. I wouldn't know if he was on the books in the front office. He was marked open on my slip and on the book. It means nobody can talk to him.

No, I did not see Captain Reynolds that day.

The three officers who took him away just asked for him and I gave him to them. Yes, I know those officers. They were from our station. They didn't exhibit any authority of any kind. I knew them to be 497 officers from the 18th District. I took their word for it. They did not tell me where they were taking him. I never asked them.

(Witness excused)

JOHN ROCK, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is John Rock and I am a Police Officer of the City of Chicago. I am with the Police Training Division.

In the month of March, 1953, I was assigned to the 498 18th District. On that date I had an occasion to take a prisoner by the name of Paul Crump from the State's Attorney's office. I took him from the office at about 5:30 p.m. Officer Arthur Walsh was with me when I took him. We took him to the 18th District where we arrived at about 6:30 p.m.

When we got into the lockup Captain Reynolds was there and asked Paul Crump and Eugene Taylor if they were hungry and what they wanted to eat. They both ordered a cheeseburger and coffee and the Captain sent me out to get it. I got the cheeseburgers and
499 coffee for them. I gave it to the lockup keeper and the lockup keeper gave it to them.

Yes, I did have occasion to take Paul Crump out of the lockup of the 18th District on the following morning, March 27th, at about 10:00 a.m. I took him back to the State's Attorney's office here to Dick Austin's office.

During the time Crump was in my custody and control I did not, nor did anyone in my presence, abuse, mistreat, or threaten him or offer him a reward or promise him anything if he would make a statement.

500 *Cross Examination by Mr. Lee.*

The Witness: We used a squad car, the Department vehicle, the car from our station at the 14th District to go to and fro.

(Witness excused.)

ARTHUR WALSH, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Arthur Walsh and I am
501 a Police Officer. I am presently assigned to the 18th District Detail State's Attorney's office.

On the 26th day of March, 1953, I was assigned to the 18th District Police Station. I am the Arthur Walsh who was with Officer Rock, the man who just testified, when he took Paul Crump and the Taylor

man from the State's Attorney's office to the 18th District. I was with Officer Rock on the way over here in the car.

Yes, we did turn him over to the lockup keeper at the 18th District on that day.

I did not, nor did anyone in my presence at that time, mistreat Paul Crump in any way on the ride over to the 18th District Police Station.

502 I didn't see him in the lockup. I saw him in the station. Rock was with him at that time. I then accompanied Officer Rock and the defendant Paul Crump back over to the State's Attorney's office.

We did not strike, abuse or threaten Paul Crump in any manner whatsoever. We did not promise him any kind of reward or immunity if he would make a statement.

There was a third man with Rock and I. That was Officer Richard Sullivan.

Cross Examination by Mr. Lee.

503 The Witness: We left the 18th District around the hour of 5:50. We got out to this building about 6:00 or 6:10.

The following day we brought Crump back here.

(Witness excused)

RICHARD SULLIVAN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Richard Sullivan and I am a Police Officer of the City of Chicago. On March 27th 1953, I was a Police Officer.

504 I am the same Officer Sullivan that was with Officers Rock and Arthur Walsh when they picked up the defendant Paul Crump at the Stockyards Station. That was some time early in the morning of March 27th, 1953; at about 10:00 a.m. I was with those officers when they took Crump over to the State's Attorney's office.

(Whereupon the witness denied that he or anyone in his presence has abused, mistreated or made any promises to the defendant Paul Crump.)

Mr. Lee: No cross examination.

(Witness excused)

FRANK J. REYNOLDS, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

505 The Witness: My name is Frank J. Reynolds. I maintain the rank of Captain of Police in the City of Chicago. During the month of March, 1953, I was then a Captain of Police. Yes, I was commanding the 18th Police District of the Chicago Police Department. I am now at the 18th District.

Yes, on the evening of March 20th at about the hour of midnight or 12:30 on March 21st, I did see the defendant Paul Crump in my Station. At any time that I saw the defendant Paul Crump I did not threaten
506 him or strike him or abuse him in any manner whatsoever.

I was present in the office of State's Attorney Gutknecht on March 27, 1953, at or about the hour of 10:30 p.m. when the defendant Paul Crump was also present. At that time and place Mr. Austin, the First

Assistant State's Attorney, and Mr. Bloch also an Assistant State's Attorney were present.

507 (Whereupon the witness denied that he heard Mr. Austin or anyone else in his presence say to Crump, the things previously testified to by the defendant.)

508 No, I did not nor did anyone in my presence ever strike, beat, kick or abuse this defendant in any manner at any time. I never threatened the defendant.

509 *Cross Examination by Mr. Lee.*

The Witness: Yes, I was at the Police Station on the night of March 20th.

Q. As a matter of fact, you were there almost all the entire day up until March 20, 1953.

A. It was much later than that.

Q. Because you started a continuous round of duty that day right after this transaction took place at Libby, McNeill and Company.

A. I don't understand your question, Mr. Lee.

Q. You started an extensive round of duty beginning on Friday, March 20, the time of the affair at Libby, McNeill and Libby.

Mr. McGovern: Object to the question, to the form of the question.

The Court: Sustained.

510 The Witness: An alleged robbery and alleged murder took place in the Stockyards. That was within my police jurisdiction. The Libby, McNeill plant is where the alleged robbery and alleged murder took place. The plant is close to Ashland Avenue. It is closer to Racine Avenue. It is only about three blocks distance from the plant to Ashland. It is private property known as the Chicago Stockyards.

The jurisdiction of the 18th District divides at Loomis. The east side belongs to the 18th District and the west side belongs to New City, the 17th District. The Libby, McNeill and Libby plant is on the
511 west side of Loomis Street.

When I was at the station after midnight the early morning of March 21st, I saw Paul Crump there. He was brought in there by some of the Detectives from the Police Building at 1121 South State Street. I don't remember if he was put on my book in that station.

Q. Well, you previously testified in a proceeding involving this indictment number 53-672, didn't you?
512 A. Yes, I have.

Q. Then you know there was submitted records of telegrams that you sent out after the Libby, McNeill and Libby robbery.

Mr. McGovern: I am objecting.

The Court: Sustained.

Mr. Lee: He was put on the books in the lockup, though, wasn't he?

A. Yes.

Q. But, officially, he wasn't a prisoner of your command.

Mr. McGovern: Object to the form of the question.

The Court: Yes. Sustained. You are giving it in a negative form and the State's Attorney is objecting to the form of the question.

Mr. Lee: Was he recorded on the books of the 18th District Police Station as a prisoner on March 21, 1953?

A. That I can't answer.

I had a very short conversation with him in the
513 early morning of March 21, 1953. The next time

I saw him was on March 26, 1953. March 26, 1953, was a Thursday morning, and I saw him in the lockup of my Police Station.

Mr. Lee: I beg your pardon, I meant to say Friday morning, March 27. Friday.

A. The 27th, yes.

I didn't hear the lockup man testify a moment ago. I was out of the courtroom at that time.

I believe it was in the neighborhood of ten in the morning on March 27th, 1953, when I talked to Paul Crump. Then he was taken back to the State's Attorney's office. The conversation between me and Paul
514 Crump took place in my office. I did not talk to Crump again that day until late on Friday evening. I talked to him in the station before he was taken here.

We came over here in the morning with Paul Crump and we were here the balance of the day and part of the evening. I was not in the presence of Crump all
515 that time. I had other things to do. At no time did I talk to Crump in the lockup on the second floor of this building.

I was in the presence of Crump with Lieutenant Olson when he talked to Crump. On Friday, the 27th and on other occasions. I don't remember before Friday. Yes, I would say on the 26th. I personally did not talk to him but Chief Olson and others talked to him and I was present. Lieutenant Olson did not extend any promises to Crump if Crump would start talking. Lieutenant Olson never inquired as to his faith, nor said anything substantially that he held a pair of rosary beads in front of him and told him it would be better for him to start talking or something
516 like that. It was never said in my presence. That act was never put on in my presence.

I asked Crump on Friday the 27th, and at the same time I directed the same question to Eugene Taylor about signing a statement that Taylor and Crump reportedly had made on the previous day. That was asked Crump and Taylor in my office at 4736 South Halsted, Chicago, Illinois.

Yes, I did have the statement reduced to writing in my hand at that time.

517 I asked them to read the statement. After reading they said that they would rather see Mr. Austin, the State's Attorney before they signed.

I called Mr. Austin and he told me the statement was made the night before and delivered to my office at 18th Police Station. It was read to them. They decided, both Paul Crump and Eugene Taylor, after reading it, they decided they did not want to sign the statement, that they wanted to talk to the State's Attorney. They were brought over here to this building and talked to Mr. Austin. So, they were brought back
518 to the State's Attorney's office. This was on Friday, March 27th.

When I arrived over here they were here. I then saw Mr. Austin. Crump and Taylor were in the anteroom with Mr. Austin. They were then called into Mr. Austin's office. Yes, I was present. I don't remember at this time what was said by Mr. Austin, by Crump, by Taylor and by myself. Yes, I have seen a
519 transcript of the proceedings in a prior trial of this case and I previously testified about this incident that occurred at that time.

In any event, Crump did not sign the statement at all that day. The particular transcript I had delivered
520 to me wasn't signed. I don't remember whether there were one or two statements. I don't recall at this time

whether they were taken individually or together. There were more than one copies. That statement was never signed by Crump.

On Friday evening, March 27, 1953, I was on the
521 second floor down here. Crump came in and made a statement. It was the following morning that he signed the statement when it had been reduced to writing.

I was present Friday evening when Crump made it and also on Saturday morning.

(Witness Excused.)

HAROLD ERICKSON, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

522 The Witness: My name is Harold Erickson. During the month of March, 1953, I was a court reporter assigned to the State's Attorney's office. At the present time I am one of the official court reporters here in the courtrooms of the Criminal Court of Cook County.

523 I was present on the 27th day of March, 1953, at or about the hour of 10:30 p.m. in the office of State's Attorney Gutknecht here in this building. Yes, at that time I was present when the defendant Paul Crump was also present. Yes, Mr. Austin and Mr. Bloch were also present. I was present while Paul Crump gave a statement that evening.

524-526 (Whereupon the witness denied that he heard any of the statements made by Mr. Austin to the defendant as previously testified to by the defendant.)

I was present in the room when Paul Crump came into the room in Assistant State's Attorney Gutknecht's office. Present at that time were Mr. Austin, Mr. Bloch, Chief O'Malley, Captain Reynolds, Lieutenant McMahon, Paul Crump, Harold Riggins, David and Eugene Taylor and myself. Those people were present during the time that Crump was there in the
527 room while the statement was being taken. They were the only people who were present in this room during the particular period.

On March 26th, 1953, at or about 1:45 p.m., I was present in a room in the State's Attorney's office with Eugene Taylor and Paul Crump. At that time Mr. Richard Austin, Irwin Bloch, Chief John O'Malley, Captain Frank Reynolds, Lieutenant John Olson, Officer Edward McLaren and Arthur Walsh also were present in that room. I was also present.

(Whereupon the witness denied that he heard any promises made to Paul Crump, or that anyone
528 beat, struck, abused or kicked him.)

Cross Examination by Mr. Lee.

The Witness: What I have just testified to took place on March 27, 1953, also on March 26, it was a joint statement.

On March 27, 1953, I came to work in the morning, approximately 9:00. I spent the forenoon in my office, down in the State's Attorney's office on the second floor.

The proceedings on Friday, March 27, 1953, in the evening were also at the State's Attorney's office. It was in the big office, Mr. Gutknecht's office.

529 What transpired on Thursday, questions and answers given by Taylor and Crump, I believe was in

Room 276. It is south of Mr. Gutknecht's office. It is south of the room occupied by Mr. Austin. It is off the corridor farthest south, I believe the Police Offices are on the east side, the southeast corner.

I don't recall being called to take down the conversation of anyone on Friday morning or Friday afternoon. On Friday evening I did not go home to
530 eat. I ate some place out. I would say I was away from this building for an hour, hour and a half.

I believe it was around 8:00 that evening when I started taking notes in shorthand. Yes, the notes were words uttered by Mr. Austin and some colored boys.
531 I took notes of all the words I heard spoken from the time the statement was taken until its completion. Not before the statement was started. I believe there was some conversation before the statement was started. No, I did not take down only that which Mr. Austin instructed me to take down. I took everything from the time the statement started until its completion. That particular evening, Friday evening, I believe there were three statements taken.

Yes, I have looked over the records since. Yes, I looked over the records before I came up here this afternoon.

532 I have been a court reporter for approximately nine years.

There were utterances made that I did not take notes on that Friday evening. I remember best that which I made notes on. My purpose was to take notes and reduce the statements and questions and answers to writing.

We started about 8:00, I believe and I saw Paul Crump around 10:30. That was the second time I had seen him. I had seen him the previous day.

533 There were definitely no times when Mr. Austin was presiding that he told me not to bother taking down anything. On Thursday I started writing very soon after I arrived in the room. I started writing when Mr. Austin asked one of them their names. Yes, Mr. Austin told me to start writing then, Mr. Austin did not tell me at any time to stop writing.

(Witness excused.)

534-536 (Whereupon the Court and Counsel engaged in a discussion which resulted in a stipulation. It was stipulated and agreed to that Paul Crump was not beaten or mistreated by the two Taylors or Riggins or Hudson Tillman. That the Taylor boys, and Riggins did not offer him anything if he, Paul Crump, would make a statement. That Hudson Tillman did not strike, beat, kick or abuse Paul Crump in any way to get him to make a statement.

On behalf of the People there was an offer of proof that David Taylor, Eugene Taylor, Harold Riggins and Hudson Tillman were absent at the present time because they had been convicted of murder and are prisoners in the penitentiary.)

537 (Whereupon an adjournment was taken until 10:00 a.m. the next day, Thursday, December 1, 1955.)

538 Before the Honorable Elmer Holmgren
Court convened pursuant to adjournment
Thursday, December 1, 1955, 10:00 A.M.

Present: Mr. Joseph V. McGovern, Mr. Robert Cooney and Mr. Stephen Lee.

RICHARD B. AUSTIN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Richard B. Austin. I live at 2634 Park Drive, Flossmoor, Illinois. I am a lawyer by profession. I am a Judge of the Superior Court of Cook County.

539 In March, 1953, I was First Assistant State's Attorney of Cook County. On that date I had the occasion to see the defendant Paul Crump. At approximately 1:45 p.m. on March 26th I asked questions of a man named Crump and Eugene Taylor. They did make answers to my questions.

On March 27, 1953, at about 10:00 o'clock p.m. I had the occasion to see Paul Crump again. At that time I asked him questions and he made answers.

540 (Whereupon the witness denied that on March 26th, 1953, he or anyone in his presence made the following statements to Paul Crump: "If you help, you and your family will get part of that reward"; "You are going back to 11th Street and I am going to arrest your wife unless you make a statement"; "How did you like it at 11th Street?", or "How did you like it downstairs"; "You are an intelligent fellow, you ought to cooperate and get the $5000.00 reward, you help us
541 and we will see that you get part of that reward".

There was no conversation with Attorney William Gerber, in the presence of Paul Crump.

At no time did Paul Crump say to me, "Don't send me back to 11th Street, I can't take that any more" or words to that effect, "You promised me you would

not if I made a statement, let me go to the witness room."

542 Neither I nor anyone in my presence, threatened, abused, mistreated or struck Paul Crump over the ear to have him make a confession. Neither I nor anyone in my presence offered any reward or inducement or promise of immunity of any kind to Paul Crump if he would make a statement of any kind.

I was present on March 28th, 1953, at which time Paul Crump signed certain statements. Neither I nor anyone in my presence abused or threatened him, or struck or mistreated him in any way in order to have him sign those statements. Neither I nor anyone in my presence on that date, March 28, 1953, offered a reward of any kind to Paul Crump in order to have
543 him sign those particular statements. At the time Paul Crump signed certain statements he did not say to me or to anyone in my presence, "I can't sign because my wrist is pretty messed up" or words to that effect.

Cross Examination by Mr. Lee.

The Witness. I saw Mr. Gerber on Friday, the 27th of March, following a phone conversation I had with him. I called Mr. Gerber at the request of Paul Crump who advised me that Mr. Gerber was his lawyer and he would make no statements to me until after he
544 talked to his lawyer. I called Mr. Gerber I would say between 11:00 in the morning and 1:00 in the afternoon on Friday the 27th.

I did not transmit a call to Gerber's office. Mr. Crump was in my office and he said he wanted to talk to his lawyer. I asked him who the lawyer was and

he said Mr. William Gerber. I said, "I will get Mr. Gerber on the phone and let you talk to him" and I dialed and Mr. Gerber was there and I talked to Mr. Gerber and advised him I had Paul Crump in my office. He said that Gerber was his lawyer and he wanted to talk to Gerber and then I handed the telephone to Mr. Crump and Mr. Crump talked to Mr. Gerber. Shortly thereafter Gerber came out to this
545 building. I was in the outer office, walking back and forth and as I would pass the door I could see them, but I did not remain stationary.

They were at my desk at the time of the conversation when Gerber indicated the conversation with Crump was over. He told me to come back in my own
546 office where he and Crump were seated. He told me, "I have instructed my client to refuse to say anything unless I am present".

On the previous day at about a quarter to two in the afternoon there was a joint statement taken by me from Eugene Taylor and Crump.

During the taking of the joint statement I left the room when Eugene Taylor left the room, and the reason for that was a Writ of Habeas Corpus had been issued by the Chief Justice of the Criminal Court and I went up to answer it, together with Eugene Taylor, who was one of the parties to the Writ. I answered as the attorney for the respondents named.

Yes, the respondents named in the Writ, as I recall, was probably the State's Attorney. I don't recall whether they also put in the Commissioner of Police
547 and the Sheriff or how many respondents there were. I answered together with another member of the State's Attorney's office who was assigned to the Habeas Corpus Department, which one I don't know.

I am not sure whether we were there on behalf of the Commissioner of Police, the Sheriff of Cook County or only the State's Attorney was named. I know that the State's Attorney responded to those Writs.

548 At the time the petitioners in the Writ were in custody on the second floor. They had been arrested, I think perhaps by some Bureau squads but they were physically on the second floor in the custody of the State's Attorney's Police. Whose individual prisoners they were I wouldn't know. I assume it was the Police Department because I believe the arrests were made by the policemen not connected with the State's Attorney's office.

Yes, on the previous day, being Thursday, March 26, I took the joint statement. That statement was reduced to writing. Yes, on the following day, March

549 27th, the joint makers or the alleged joint makers of the statement and I talked after I had the document in front of them.

Q. And the object of the conversation at that time was to obtain the signature of the persons who made the statements.

Mr. Cooney: Object to any objective. What was done and what was said, if anything.

The Court: Overruled. He may answer.

A. I don't recall whether that was the purpose or whether there was another purpose.

Q. Do you remember whether or not Taylor and Crump as the alleged makers of the statement, signed the statement?

A. I have no recollection of them signing the first statement.

Q. Have you a recollection of them refusing to sign the first statement?

A. I have no recollection of them being asked to sign it. I think by that time that I had formed the belief that the statement was not true in all respects.

Q. You had formed an opinion that the statement
550 wasn't true?

A. In all respects, yes.

Q. Had that statement been rejected?

Mr. Cooney: Object. That is asking for the conclusion of other people.

The Court: Sustained. He said he has no recollection.

The Witness: I don't know when the knowledge came to me that Crump had previously been a prisoner of the Police in the Police Department of the City of Chicago. I doubt I had that knowledge on the 26th. I think I learned of it during that Thursday, Friday and Saturday, but whether it had been called to my attention on the 26th, I don't know. I know he had not been over to the State's Attorney's office prior to that time.

551 At the time of Crump's second arrest on the 26th day of March, 1953, he was at the State's Attorney's office because Hudson Tillman had surrendered about midnight the night before and named Paul Crump as one of the men that was with him in the Libby, McNeill and Libby robbery and murder, and as a result he had been picked up, I think by Police Officers from the Detective Bureau, and that is why he was there.

Q. To your knowledge did you ever arrange, or did Tillman ever personally confront Crump, the defendant Crump with having been an accomplice with him, in other words, was there a personal consultation of the two persons?

Mr. Cooney: I object.

The Court: Sustained.

Mr. Lee: I was trying to show, my question was a followup to Judge Austin's statement that Crump was brought in because Tillman had stated that Crump was with him at the time of the robbery.

The Court: I don't see where whether or not he was confronted with Tillman, what that has to do with the issue we are inquiring into here. There is only one thing we are interested in in this hearing. A lot of these things might be admissible in the trial
552 in chief, but they are not necessarily admissible in this inquiry here.

Mr. Lee: I will abide by Your Honor's ruling, Judge.

Q. You were interested, you participated more or less in the prosecution of the co-defendant at a trial of the co-defendant in this indictment in about the month of June of 1953.

Mr. Cooney: I object to anything that happened after signing of the confession.

Mr. Lee: Unless I can show the interest of Judge Austin.

Mr. Cooney: If that is his purpose we withdraw the objection.

A. I participated to the extent that I was called as a witness and testified. Other than that I participated in no way.

Q. And, as an executive officer of the State's Attorney's office of Cook County at that time, you were interested of course in the successful prosecution of the case.

Mr. Cooney: Object to what he was interested in at that time.

The Court: Sustained.

553 A. Every lawyer is interested in winning his case.

The Witness: On Friday, the 27th, about an hour after I had ascertained that Gerber was Crump's lawyer, that's when I saw him, after the phone call. I ascertained the relationship of Gerber and Crump from Crump. No, Crump did not make a request on me for his attorney on the previous day.

(Witness excused.)

554 (Whereupon the Court granted leave to call a witness on behalf of the defendant.)

AMBROSE BANCO, called as a witness on behalf of the petitioner, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Lee.

The Witness: My name is Ambrose Banco and I am the Chief Record Clerk at the Cook County Jail.

555 I have been so engaged for about four and a half years. I am in charge of keeping the physical history, and so forth on these cards.

Yes, I have in my hand a document marked defendant's exhibit one for identification and I am looking at it at this time. It is the jail record call card of Paul Crump. I can tell from reading the date of entry

556 into the jail of Paul Crump. From my own memory I can't tell when he was admitted.

Q. Will you look at the document and tell His Honor when he was admitted into the jail?

Mr. McGovern: Object, unless he saw him.

The Court: Won't that speak for itself, Mr. Lee?

Mr. Lee: If we go that far with it.

The Court: If you don't go that far with it, it should not be read anyway.

The Witness: Besides what I mentioned the history of the date of entry, the document I have contains how he is held and by whom. There is also shown the physical examination by a medical officer on the date of entry. The examining physician was Dr. Telsor.

557 Dr. Telsor was not the physician in the County Jail in March, 1953. He had no diploma as a physician. Actually he was an interne. Yes, he is an interne at the County Jail. Yes, he examined prisoners that came in.

Yes, I am familiar with the signature of Telsor. I see his signature on the card, defendant's exhibit one for identification. Above the signature I see a chart

558 of the body of a man. Yes, it is the custom and usage in the jail for marks of physical injury if any to be recorded on the chart.

Q. In other words, if the examining physician finds marks or wounds on a person whom he examines, he marks it on the chart.

Mr. McGovern: Object to the form of the question.

The Court: Well, this is the same question that was asked before. I will let him answer. Overruled.

The Witness: Yes.

Mr. Lee: On that chart. Are you familiar with the handwriting of Dr. Telsor?

A. Yes, I am.

Q. On that chart do you see any marks or characters made by Dr. Telsor?

Mr. McGovern: Object to that.

The Court: Sustained. I believe it speaks for itself.

559 The Witness: The record has been locked up over in the jail all the time in the Record Office. Yes, it is a true and correct record. It is in the same condition now as it has always been.

Cross Examination by Mr. Cooney.

The Witness: I may not have made any of the notations on this card as to the physical history, but as far as changes or stays or new trial, and so forth, I have. When there is a continuance or stays in the case that is pending I make those notation. The markings concerning any physical examination are not in my handwriting; that is by the Doctor.

The date on the card, March 30, 1953, means the
560 date of entry. The defendant was examined by a physician on the same date. I wouldn't remember now if I were present at the time he was examined. No, I did not examine this defendant.

The term "OS" means old scars.

(Whereupon it was inquired of the witness if he was familiar with the authorization granted to the Superintendent of the jail by a prisoner to receipt and examine all incoming and outgoing mail.)

It is the customary thing upon receipt of a prisoner.
561 He signed his signature right above the date March 30, 1953.

It is the custom ordinarily to examine the prisoner on the same day he comes in. There are cases where it may be missed. No, I was not in Court when the defendant said he was examined four or five days after he was admitted to jail. It is possible in a case.

562 All the notations that are on the skeleton of this chart are done by the doctor. No, I wasn't there when he put them on.

Of my own knowledge I don't know, if at all, Crump was examined.

The notation under "General physical condition" and the lettering "Good" is the handwriting of the doctor.

Redirect Examination by Mr. Lee.

(The Witness) I came here in response to a subpoena served on the Warden at the jail. I was at
563 work this morning. I left the jail to come over to this Court room and I am going right back when I leave here.

Q. In connection with the question asked you by Mr. Cooney pertaining to the skeleton outline of a man, I ask you if that same outline shows any marks or indications or bruises on the body of the prisoner.

Mr. Cooney: Object to that unless he put them on and was there for the medical examination.

Mr. McGovern: It speaks for itself.

The Court: Sustained.

Mr. Lee: I am introducing in evidence as defendant's exhibit one.

Mr. Cooney: We object to it on the ground—

Mr. Lee: In support of this motion at least, Judge.

The Court: May I see it?

(Mr. Lee hands exhibit to the Court.)

Mr. Cooney: Judge our objection was based on the
564 fact, and I am making an objection for the record, at least my reasoning first. The defendant said he wasn't examined for about four days. Of course the chart has not been explained by anybody who put the marks of the person he examined.

The doctor that examined him has not been called to determine what actually those marks mean, if anything, and the jail personnel only knows that the card was over there.

I think in view of the fact that the Court has seen the card and is familiar with the testimony of the defendant as to his having not been examined for about four days, I think, Judge, although technically it should not be in, we will withdraw objection on it and allow it to be made part of the record.

The Court: I would like to ask this man—Will you step over here? You are Mr. Ambrose Banco who was sworn and testified just a minute ago, are you not?

A. Yes, sir.

Q. Do you know—Are you able to read this notation here—Will you step over here—I will indicate,
565 I am referring to the mark on this skeleton on the left hand, or rear view, it says "abrasion".

A. Abrasion.

Q. What is this word here?

A. That is "recent abrasion".

Q. That is on the elbow?

A. On the elbow.

Q. What does this say, here, sir?

A. (reading) Laceration palma surface under toe, auto accident six months ago.

Q. I am referring to the physical history, the second column on the same side of the exhibit that the two skeletons are printed. Can you indicate what this says, here, it's right above the signature of the physician, the printed word "Physician" and then the script signature and then there is a notation. Can you read that?

A. Claims numbness and burning of hands. No apparent palsy.

The Court: Petitioner's exhibit one for identification is received as defendant's exhibit one.

Which said document, marked defendant's exhibit one, was received in evidence.

566 The Witness: Yes, under the term of "General physical condition" there is a notation "Good".

(Witness excused)

567 MRS. L. ROBERT MELLIN, called as a witness by the People, having been first duly sworn, was examined and testified in rebuttal as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is Mrs. L. Robert Mellin and I live at 840 Castlewood Terrace, Chicago.

On the 28th day of March, 1953, at or about the 568 hour of 10:00 a.m., I was present here in the office of State's Attorney Gutknecht in this building when the defendant Paul Crump was also present. At that time and place statements were read by Mr. Austin and Mr. Bloch. At that time or at any time on that morning while I was there Paul Crump did not nor did anyone else make any complaints to me, Mr. Austin or Mr. Bloch or anybody else.

After the statements were read I affixed my signature to some statements. At that time and place this group of which Paul Crump was one was asked if they had been mistreated or abused. They said absolutely not, that they had had wonderful treatment. Those were their words.

Cross Examination by Mr. Lee.

569 The Witness: Yes, I live on the North Side of town; Castlewood is way up North.

I knew Mr. Megan who was in the office. Mr. Megan lives up—I know it very well. I had met him, but I had known his mother for many years, but I had just met him, Mr. Megan.

I do know Judge Gutknecht. I received an invitation from Judge Gutknecht to be here. Yes, I know him personally. I have known him for quite a number of
570 years. In my civic duties I was often thrown in with Judge Gutknecht, the civic duties I had participated in in Chicago.

No, I have not had offices of a political nature. I was a member of the Board of Education but it wasn't a political appointment. It may be political in the sense it is a city unit, but I was endorsed by all the leading clubs and civic groups in Chicago and I was appointed to the office in 1941. I filled an unexpired term and then was reappointed for five years.

571 (Witness excused.)

JOHN A. OLSON, called as a witness on behalf of the People, having been first duly sworn, was examined and testified on rebuttal, as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is John A. Olson and I am a Captain of Police of the City of Chicago. At the present time I am assigned as chief investigator for the State's Attorney's office.

572 In the month of March, 1953, I was a Lieutenant, also in the State's Attorney's office.

On March 26th, 1953, I saw Paul Crump. On that date, in the morning, I did not on the second floor of this building, or any floor of this building, go up to Paul Crump and take a rosary out of my pocket and say, "You and I are of the same faith" or words to that effect, "why not go along and make it easier on you, it will be better in the long run".

I was present on March 26th, 1953, at about 1:45 p.m., when Mr. Richard Austin, then First Assistant State's Attorney, asked questions of Paul Crump.
573 Eugene Taylor was also present. Yes, also present were Mr. Irwin Bloch, Chief of Detectives John O'Malley, Captain Frank Reynolds and two officers, one Officer McLaren of the Robbery Detail and Officer Arthur Walsh of the 18th District. A court reporter named Harold Erickson was there.

Questions were asked of these two defendants, Crump and Taylor, by Mr. Austin. During the course of the questioning, there were some questions asked by Chief O'Malley. I don't recall my asking any questions.

Prior to the taking of these statements from these defendants on March 26th I did not, nor did anyone in my presence, abuse, mistreat, kick or strike them in any manner whatsoever to get them to make the
574 statements. I did not make any promise of a reward or any offers of inducement whatsoever to Paul Crump to have him make a statement.

I was present on March 27th, 1953, about 10:30 p.m., when another statement was taken from Paul Crump. Present in that room were myself, Mr. Richard Austin, Mr. Irwin Bloch, Chief John T. O'Malley, Captain Frank Reynolds, Sergeant James McMahon, the three defendants, Gene Taylor, David Taylor and Riggins,

and I think the same court reporter, Mr. Erickson. Paul Crump answered questions put to him by Mr. Austin.

575 Neither I nor anybody in my presence at any time prior to that or during the taking of the statements, strike, beat or abuse Paul Crump in any way to have him make a statement. I did not make any offer of a reward or immunity of any kind.

I was out of the city until last night. I came in this morning at 5:00.

Cross Examination by Mr. Lee.

The Witness: I was on my annual vacation. Yes,
576 it began the 18th of November. It was shortly after I was elevated to a Captain. I had not completed my vacation. I don't know if I am going away again—Whatever the Court sees fit to do.

I was in Judge Gutknecht's office on Saturday morning after the night of the 27th. I did see there the lady who just left the courtroom.

The Court: Was that on the 28th or the 27th?

Mr. Lee: The 28th. On the morning of the 28th.

Q. What time on the morning of the 28th did you arrive, Captain, that was Saturday morning.

A. Oh, I think we probably arrived in the offices about 9:00, maybe a little earlier.

The Witness: The night before I left the build-
577 ing much later than midnight, I would say. Yes, I am still with the Police Section of the Police Detail of the State's Attorney's office. I have been with them about three years.

I saw Crump early in the morning of the 26th. I did not know at that time that he had previously been a prisoner of the police of the City of Chicago the

previous week-end. I found out some time in the following two or three days. I don't know that Lieutenant Pape had the prisoner previously.

I did not see any brutality exerted on Crump. He wasn't in my presence at all times. He was in the lockup downstairs on the second floor for a period of time.

578 I think he went to the Stockyards Station on the evening of the 26th, if I am not mistaken. Crump came back to the State's Attorney's office the following morning.

I think I did see Gerber in Mr. Austin's office on the afternoon, the early afternoon of the 27th. No, I don't know anything about the business they had together.

(Witness excused)

(Whereupon a short recess was taken.)

Mr. Cooney: May it please the Court, it is stipulated by and between the people of the State of Illinois and the defendant, Paul Crump in his own proper person and through his attorney, Mr. Stephen Lee,

579 that if the Clerk of the Criminal Court of Cook County were called as a witness, he would testify that he is the custodian of the records of the Criminal Court of Cook County, Illinois, and that such records show that a Grand Jury was impanelled in and for the County of Cook and the State of Illinois, for the November term, 1946; that the said Grand Jury returned indictment number 46-2507, charging Paul Crump with robbery while armed. That Paul Crump was duly arraigned on December 2nd, 1946.

A jury was duly waived by the defendant Paul Crump, the State consenting and the defendant, after being duly warned by the Court as to his right to a trial by jury, waived those rights and submitted his cause to the Court, the State consenting.

That His Honor Judge Daniel A. Roberts, then
580 hearing the testimony of witnesses, the said Paul Crump was then and there considered and adjudged guilty and convicted of robbery while armed in manner and form as charged in the indictment.

It is further agreed and stipulated that the defendant Paul Crump now on trial in this cause is the same person, who as Paul Crump was found guilty of armed robbery by His Honor Daniel A. Roberts in December, 1946.

It is further stipulated and agreed by the People of the State of Illinois, and defendant Paul Crump, that the age of Paul Crump on December 2, 1946, was about the age of 16 years.

Mr. Lee: It is so stipulated. Mr. Crump would say so, is that right, Paul?

The Defendant: That is right.

581 (Whereupon there was read into the record a further stipulation to the effect that were one Dr. Joseph Tobin called upon to testify, he would state that he is the attending physician for Professor Jeremiah Buckley, and that Mr. Buckley is confined to the Alexian Brothers Hospital undergoing treatment for a heart ailment; that he is now confined to bed at his home and is physically unable to come to Court to testify.)

582 The Court: It is so stipulated?

Mr. Lee: It is so stipulated. Paul, you heard that stipulation?

The Defendant: Yes.

(Whereupon a recess was taken until 2:00 p.m. same date, December 1, 1955.)

584 Before the Honorable Elmer Holmgren.

Court Convened Pursuant to Adjournment,

Friday, December 2, 1955, 10:00 A.M.

Present: Mr. Joseph V. McGovern, Mr. Robert Cooney and Mr. Stephen Lee.

JOHN GUTKNECHT, called as a witness on behalf of the People, having been first duly sworn, was examined and testified in rebuttal as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is John Gutknecht. I am the State's Attorney for the County of Cook. During
585 the month of March, 1953, I was then the State's Attorney for the County of Cook. I maintained offices here in the Criminal Court Building at 26th Street here in Chicago.

I was present on the morning of the 28th day of March, 1953, here in this building when the defendant Paul Crump was also present. At that time there were statements read to Paul Crump and others by the First Assistant State's Attorney, Mr. Austin, and Assistant State's Attorney, Mr. Bloch.

Q. Now, after these statements were read, were they then signed there in your office?

A. They were by four of the parties to the statements, not by the fifth.

Q. At any time, sir, did the defendant, Paul Crump
586 say in your presence there he was unable to sign the statement because his wrist was too sore?

A. He never did.

(Whereupon the witness denied the following: that the defendant made a complaint to him or anyone in his presence regarding any abuse, beating, threats or promises of any nature whatsoever; that he did, or that anyone in his presence, struck, beat or abused the defendant in any man-

ner whatsoever; that he ever threatened the defendant Paul Crump; that he or anyone in his presence at any time made any promises of reward or of immunity to the defendant Paul Crump to have him make a statement.)

Cross Examination by Mr. Lee.

Q. Judge, the events on that particular morning stand out in your mind fairly clearly at this time?

A. I remember the occasion fairly, very clearly.

587 If you mean the detailed development from moment to moment, of course.

Mr Lee: No, but you have a fairly good recollection.

A. I have a very clear recollection of the appearances in my office that morning.

Q. Now, Judge, I ask you if also you have a fairly good recollection of the events of that week, which was when the Libby, McNeill and Libby case started?

A. I have a recollection of certain things during that week.

The Witness: We maintain nine offices of the State's Attorney of Cook County. Two large ones—one in the County Building downtown. One at 11th Street, one at Wells Street, one in the Juvenile Court Building, one is out here and we have four in the County, and we are going to have one in the Traffic Court next month.

588 My program that varies very rarely is to spend my mornings out here and then as soon as I can get away, which will range all the time from twelve to two, I go out for a bite to eat and go downtown. Nine days out of ten that is my program.

Mr. Austin and Mr. Bloch did most of the work on this case from the very start. It did not require much of my personal attention. I gave it some attention that evening, the evening before and early in the morning of that Saturday, it was called to my attention as other matters were, during the course of the week and I remember that Friday afternoon I had some discussion about it.

Q. You never did see Crump until that particular morning, Saturday morning?

A. I believe the first time I saw Crump was that morning. I believe that's right.

589 Q. When you said three, three defendants?

A. I did not say three. I said four signed, when I spoke about the signing of the confession.

Q. You said four parties signed that morning, but you meant three, didn't you?

A. No.

Mr. McGovern: Object to what he meant.

The Court: Sustained. You may ask the witness how many signed.

The Witness: Yes, Crump signed that morning. I think there were two Taylors and there was a defendant named Tillman and a man that did not sign was Riggins.

If I recall correctly all five were in the office that morning. The meeting had been arranged by Mr. Austin after consultation with me. Mr. Austin talked 590 to me in the afternoon of Friday, he talked to me late in the afternoon of Friday and he talked to me on the early morning of Friday.

Q. In connection with the arrangements for it, Dr. Brams was present on your special interest?

A. Correct.

Q. And he is your personal physician?

A. Yes.

Q. And of course the presence of a physician was designed to make a physical examination and physical inspection of these parties present?

A. The presence of the physician was designed for two reasons: I wanted, once I found the nature of this crime, and because of past procedure of defendants in a criminal case, to have a representative group of citizens present when the confession was taken and I also thought it would be a good idea, not only to have a physician present for that purpose, but also in the event that I considered it convenient at the time to have any examination, made, in the event that there was any subsequent question raised.

Q. Now, did you make a personal check as to the occurrences that had transpired in the State's Attor-
591 ney's office inclusive of the Police Section of the State's Attorney's office from the time of the arrival of Paul Crump in this building Thursday morning?

A. You mean in connection with the Crump case?

Q. In connection with the Libby, McNeill and Libby case.

A. They kept me informed about these developments from the first day I knew of the robbery and murder.

No, from my own personal knowledge and my own personal investigation I did not know of any occurrence that might give rise to some event such as this present motion. No, and I did not know at that time—and I don't know of any now.

I was not present when Dr. Brams made the exam-
592 ination. After the signing, as I recall it, when the men, the defendants were out of my room, I spoke to Dr. Brams and I said "Since you are here now, I think I would like, if you have no objection, to make a physical examination of these defendants."

Yes, I was satisfied to have that done by my personal physician at that time because he is a man of excellent reputation throughout the County, and he has had no work of this nature in testifying, so I thought I was getting a representative physician of standing, whose testimony in connection with the confession and th examination could in no sense be attacked.

I wanted a physician, I wanted a doctor, I wanted a professor, I wanted a woman of experience among social groups. I wanted a representative group so there would be no question as to the type of witnesses we had at the time of the taking and signing of the confession.

593 I am pretty certain that the invitations were all extended from about 7:00 on that morning because I was advised late that night about the confessions being made and I was advised that it would be written up and ready for the signatures on that morning.

I began talking over the phone with Mr. Austin to think of some representative names, representative people to come out here immediately, and I don't believe any of them, I am certain that none of them were notified until about 7:00 because I hadn't made up my mind. I started, thinking, who could we get, a representative groups, right away. In fact, the only name I did not think of myself was the representative of the Crime Commission, because I originally saw that Dr. Wyman was got in touch with, but he could not do it and he recommended calling their associate on the Crime Commission, Mr. Megan.

Q. As to physicians, Judge, if you had wanted you
594 could have had physicians from some public body?

A. I suppose so, except, remember this. This is between 7:00 and 8:00 in the morning and I wanted somebody to come right out, and, naturally, I am going to think of somebody that I feel a little freer to impose on.

Q. But the arrangement for Dr. Brams had been made previous to that morning?

A. No, the arrangement for him to be out at this building—we had had no idea previously when this would happen.

Q. Now, Judge, there is in this building a publicly maintained office of physicians, isn't there?

A. Yes.

Mr. McGovern: Object, being immaterial as far as this building is concerned.

The Court: Sustained.

Mr. Lee: Would the doctors that are on the payroll of the County in this building be available?

Mr. McGovern: Object, if the Court please.

The Court: Sustained.

Mr. Lee: Judge, you knew that Crump had been a prisoner in the Police Section of your office since early Thursday morning?

595 A. I knew he was in the building, yes.

Q. There was no process of any kind issued from any court for him?

A. I would not know, really.

Q. You don't know that prior thereto there had been some discussion by the first assistant relative to a lawyer for him?

Mr. McGovern: Object.

The Court: Sustained. Not within the purview of what was brought out on the original examination.

The Witness: When I arrived on Saturday morning I knew that there had been an examination of the
596 defendants, an examination in the sense of a discussion with them at 26th Street. I knew it lasted quite late; I knew they had made a confession and I knew that that was being written up, and the purpose of arrival there in the morning was to have that confession gone over and then signed, if they were willing to sign it. I am just referring to them as the subsequent defendants. Yes, they were in custody at the time.

Frankly, I don't know whether they were in the custody of the Chicago police or the State's Attorney's police at that time, but I believe it was the Chicago police, at least they brought them in.

597 I knew Crump was in custody and in my office. As to who brought him, I don't remember whether at that time I knew whether my police brought him in, the police loaned me by the City of Chicago, or the Chicago police brought him in.

I am pretty sure Crump was at 26th Street the night before. I don't know how those arrangements were affected. I wouldn't know if there were papers committing him there.

Q. And of course your office isn't a judicial body.

Mr. McGovern: Object.

The Witness: My office is a judicial body.

Mr. Lee: Q. Is it quasi judicial?

Mr. McGovern: I object to the form of the question.

A. No, it is judicial.

598 The Court: Sustained.

Mr. Lee: Q. Do you know that on Saturday morning, March 28, after the formality of the execution of the document by Crump, we went to a coroner's hearing?

A. He went where?

Q. He went to a coroner's inquest that morning.

Mr. Cooney: Object to anything that happened after the signing.

The Court: Sustained. That is all we are interested in here is the question of signing of this instrument.

Mr. Lee: Q. Doctor Brams presented to you no report in writing of his examination and findings, Judge?

A. I wouldn't—I couldn't remember that.

The Witness: I had no further discussion with Doctor Brams in connection with the findings after I suggested that he make the examination. That was in the hands of my assistants from then on.

Mr. Lee: Nothing further, if the Court please.

(Witness Excused.)

599 JOHN E. OWENS, called as a witness on behalf of the People, having been first duly sworn, was examined and testified in rebuttal as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is John E. Owens. I live at 2418 Greenleaf Avenue in Chicago. My business or profession is that of attorney at law.

On the morning of March 28, 1953, I was present in the office of State's Attorney John Gutknecht when the defendant Paul Crump was also present. I
600 was present at that time when Mr. Austin, first Assistant State's Attorney, and Mr. Bloch, also an Assistant State's Attorney read statements to a group of which Paul Crump was a member.

I don't recal. any questions as to whether or not they had been abused or mistreated in any manner. I can't say for myself, but I mean I don't recall that question being asked.

No, Paul Crump did not make any complaint to me or anyone else. Yes, I was present when the state-
601 ments were signed. No, Crump did not at that time or at any other time in my presence say that he could not sign the statement because his wrist was too sore. He made no complaints.

No, he was not struck or beaten or abused in my presence. No, he was not threatened. It was a very calm proceedings. No, I did not nor did anyone in my presence make any promises of reward or of immunity to this defendant in order to have him make a statement.

Cross Examination by Mr. Lee.

The Witness: I recall thinking here's a murder that had been committed and here these men that were
602 accused of the crime were sitting out in a circle, no one near them, didn't have any shackles on them and their appearance was very nice; they had cigarettes, they had a glass of water, they were asked repeatedly "now be sure, if there is anything about this statement that isn't correct in the slightest way, you state what it is and we will stop right away and change it the way it should be."

That went on, that was asked a number of times and if I didn't know what I was listening to I would not have supposed it to be the reading of a confession of a murder. That's what I mean by a calm proceeding.

I arrived at ten o'clock Saturday morning, I imagine. I know Miss Kahn called me. Whether she asked me early that morning or when it was, but I came right out. I think it was Saturday morning, and I know she asked me when I was home.

603 Q. Someone in the State's Attorney's office had spoken to you.

A. The Secretary to the State's Attorney called me.

Q. On the previous day?

A. No, I think, I have an idea it was the same morning that I came out.

Q. Your home number is in the telephone book?

A. Yes, it is.

Q. Or did they have your telephone number?

A. Yes, she had my telephone—

Mr. McGovern: Object.

The Court: Sustained.

Mr. Lee: How did she happen to have your telephone?

A. How did she happen to have it?

Mr. McGovern: Judge, I object.

The Court: Sustained.

The Witness: Yes, I am a lawyer. When I made the statement that a murder had been committed, there had been a murder at the Stockyards.

604 Q. What you meant, allegedly, there had been, a murder.

A. Yes, that's correct.

Q. Did you know anybody else at the gathering in the State's Attorney's office Saturday morning, the 28th?

A. Yes, I did. I was acquainted with Jeremiah Buckley and I was acquainted with Mrs. Mellin and I was acquainted with a man named Megan and I did know the, well, I don't know him too well, but I know Chief Olson of the State's Attorney's Police. I had seen him once or twice before, and there were two or three other persons, Officers, there.

Yes, I saw men standing behind the five. They were not near the prisoners. They were not standing within a foot of them or anything like that.

Q. Have you specialized in any particular branch of the law?

A. I have a general practice.

Mr. McGovern: Object.

The Court: Sustained.

605 The Witness: Yes, it was the first time I saw Crump.

I haven't seen him for perhaps about two and one half years. I presume it is Crump sitting behind you now. I knew he was a short individual. There were two short individuals. One was David Taylor and one was Crump. I knew there were two short men and he was one of them.

Yes, there is something that specially stands out about Crump that would cause me to remember him today. At that time I had to select him and I think he was a short individual. I had to make the selection between Crump and Taylor and I selected this gentle-
606 man here as being Crump. They asked me to point out which one was Crump and I pointed him out. That was at the time of trial.

Q. I mean that morning.

A. Oh, yes, I knew who Crump was then because I heard them all talking. They were discussing things between themselves on points "I went out first", things like that they were saying to each other in discussing certain points in connection with the testimony that was being asked of them.

Q. What was there about Crump that struck you at that time that would cause you to specifically identify him today.

A. Well, because I learned—

Mr. McGovern: Object to that question as being bad in form. The witness had indicated this person sitting on the opposite side of counsel table that he believes to be Crump.

The Court: I will let him answer. Overruled.

A. I was there possibly two hours listening to this testimony and I heard each man ask questions and answer and I got to know each individual as the process of these things went on and in talking with each other I got to know who was who.

607 They were all calm. Crump was taking part in the discussion with the others. I would characterize him as being calm.

No I would't say that there was something of an emotional nature connected with this. I can say this 608 to you. I said so before. It seemed like a paradox. These men were so calm and collected and answering the questions that were put to them and they seemed to be in the best of health, nothing wrong with them.

Q. You don't know anything about what might be inside, within a man at that time.

A. As a lawyer—

Q. You don't know that, do you?

Mr. McGovern: Objected to as argument.

The Court: Sustained.

The Witness: I did not see Crump leave the room. No, I did not see him arrive in the room: they were sitting there when I came in. No, I don't know whether or not he had manacles on when he left and when he arrived.

609 Q. You live up in Rogers Park?

A. Yes.

Q. And of course you know Judge Gutknecht a long time.

A. Yes, he was one of my professors in law school.

Q. And it was by virtue of your relationship with Judge Gutknecht, sir, you happened to be invited here that morning?

A. Yes, I think we have a mutual respect for each other. I have know him for a long time. I like his civic way of handling things.

Q. Have you testified as a witness in any kind of case—

Mr. McGovern: Object. I think it is immaterial.

The Court: Sustained.

Mr. Lee: There is nothing further.

Redirect Examination by Mr. McGovern.

Q. At that particular time, in March, you were not then connected with the State's Attorney's office, were you?

A. I never have been in any public capacity.

610 (Witness excused.)

DONALD MOORE, called as witness on behalf of the People, having been first duly sworn, was examined and testified in rebuttal, as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Donald Moore. I am a Police Officer of the City of Chicago assigned to the State's Attorney's office. In the month of March, 1953, I was a Police Officer in the State's Attorney's office.

On March 28th, 1953, I was in Judge Gutknecht's office around 10:30 that Saturday morning.

611 I was there when certain statements were read aloud in the presence of this defendant, Paul Crump.

At no time during the proceedings did I or anyone in my presence abuse, mistreat, or strike Paul Crump in any manner whatsoever. I did not, nor did anyone in my presence, offer Crump any reward or promise of immunity or any promise whatsoever if he would sign the statement.

I know that Paul Crump had something to eat before he went into the room on the moring in question. He ate, he had coffee, toast and scrambled eggs on the fifth floor of the County Jail, Administrative Building. That is what they call the witness quarters.

612 I was there at the time when the actual signing took place. At that time and place Paul Crump did not say to me or anyone else in my presence, "I can't sign because my wrist hurts" or words to that effect. He made no complaint at any time.

I was in that room as one of the guards of the prisoners. I believe there were three guards. There was Officer Piotrowski, myself and I believe Andy Garrigan—no, I can't name the three.

Q. Was there a man named Jablonski there, a guard.

613 A. Yes.

Q. And that comprises all the guards in that room, is that right?

A. That's right.

Cross Examination by Mr. Lee.

The Witness: When I saw Crump eating breakfast that morning it was around 8:30. That was over on the eleventh floor of the Administration Building in the jail.

Yes, I spent the night there. I escorted Crump from the State's Attorney's office over to the jail. No, I did not stay there. No, I did not sleep there—I was awake all night. I was a guard all night long.

Q. What time was it when you left the second floor of this building after midnight the 27th day of March?

614 A. It was before midnight. It was around 11:30. I know it was before midnight.

Q. Were you with Crump to leave this building to go to the Administration Building?

A. No.

Q. Were you with any of the five prisoners?

A. Specifically, no. I was not assigned specifically to any person.

The Witness: There were about five or six Police Officers with me going from this building to the jail. No particular one of the group of Police Officers was in charge of the detail.

We went to the south end of the Administration 615 Building, through that door and up the elevator. No one received us when we arrived in the Administration Building. We rang for the elevator. The elevator is down there at the street and he answered us and we took him up to the fifth floor and into the witness quarters.

No, we did not have any papers for the prisoners. To my knowledge there was no arrangement made with the Sheriff of Cook County to keep Crump there that night.

I took up the post myself right outside the door of Crump's and the two Taylors' room. The door was open. Yes, my companion officers likewise stayed awake—we were all awake. Yes, I do know that

Crump slept that night. We were talking about him
616 snoring so loud. He awakened shortly before 8:00 in the morning.

(Witness excused)

CHARLES F. McCABE, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Charles F. McCabe. I am a Police Officer of the city of Chicago assigned at the present time to the Detective Bureau—assigned to the Chief of Detectives, John O'Malley. I was so assigned with the Chief of Detectives, John T. O'Malley in the month of March, 1953.

I was with him on Saturday, March 28th, in the State's Attorney's office.

617 I was there with Chief O'Malley in Judge Gutknecht's office when statements were read in the presence of Paul Crump. I was there when statements were signed by Paul Crump.

During that time I did not, nor did anyone in my presence, abuse, mistreat or threaten Paul Crump in any manner whatsoever. I did not offer him any promise of reward or immunity if he would sign a statement. I was there when he signed the statements.

At the time he signed the statements Paul Crump did not say to me or anyone in my presence that he could not hold the pen because his wrist hurt him or
618 was messed up, or words to that effect. He made no complaint of any kind at any time.

Cross Examination by Mr. Lee.

The Witness: No, I did not see Crump before that day. That Saturday was the first time I ever saw him. I was on duty the prior week-end at the Detective Bureau. No, I did not see Crump in the lockup at the Detective Bureau over the previous week-end. I didn't know he was in the Detective Bureau lockup.

(Witness excused.)

THADDEUS JABLONSKI, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Thaddeus Jablonski. I
619 am a Police Officer of the City of Chicago assigned to the State's Attorney's office. I was so assigned in the month of March, 1953.

On Saturday, March 28th, 1953, I was in Judge Gutknecht's office at the time statements were read in the presence of Paul Crump. I was present when certain statements were signed by Paul Crump. I was there as a guard. I was one of the three guards assigned.

During the time I was in that room I did not, nor did anyone in my presence, abuse, strike, mistreat or
620 threaten Paul Crump in any manner whatsoever. I did not promise a reward or immunity if he would sign a statement or statements.

Cross Examination by Mr. Lee.

The Witness: I was not with Officer Moore that evening. I did not transfer the prisoners back and forth.

The first time I saw Paul Crump was around 10:00, 10:30 that morning. That Saturday morning.

621 (Witness excused.)

JOSEPH PIOTROWSKI, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Joseph Piotrowski, I am a Police Officer of the City of Chicago and my present assignment is the Traffic Division.

I was a Police Officer in March, 1953, assigned to the State's Attorney's office. I was one of three guards who were in the room with Judge Gutknecht on March 28, 1953, at 10:30 a.m. I was there during
622 the time statements were read in the presence of Paul Crump. I was there at the time Paul Crump signed certain statements in that room.

During that period of time I did not, nor did anyone in my presence, mistreat, abuse or strike Paul Crump in any manner whatsoever. During that time I did not, nor did anyone in my presence, offer Crump any reward or promise of immunity whatsoever if he would sign the statement. I did not, nor did anyone in my presence, make any promises of any kind to have him make a statement.

Cross Examination by Mr. Lee.

The Witness: Yes, I saw Crump before that morn-
623 ing. I was assigned to the witness room with Officer Moore. I was with him all night. I was up in the witness room all night. The witness detention quarters up on the fifth floor, the Administration Building

of the County Jail. I went over with him that night and stayed all night with him, stayed up in the witness room.

Redirect Examination by Mr. Cooney.

Q. At the time of signing of the statements did Crump say to you or anybody else in the room there that he could not sign it because his wrist was messed up.

A. No, he did not.

624 (Whereupon a short recess was taken.)

The Court: I understand the State is resting?

Mr. McGovern: Yes, the State is resting.

The Court: How much time do you want for argument, or do you have any rebuttal?

Mr. Lee: Yes, two minutes for rebuttal.

PAUL CRUMP, the defendant herein, having been previously duly sworn, was examined and testified further as follows:

Direct Examination by Mr. Lee.

The Witness: My name is Paul Crump. I was sworn and testified here before. I am the defendant in this present hearing.

625 I heard Judge Austin, who in March, 1953, was the Chief Assistant State's Attorney, say in his testimony that he talked to Mr. Gerber on the phone. At no time was I allowed to take the telephone to talk to Mr. Gerber.

On Friday evening, March 27th, at the time I made the statement which is in issue in this case, I was asked as to the kind of treatment I had received. I believe the question was asked by Mr. Austin. No, the question was not asked on any other occasion.

Q. Was it asked you on Saturday morning, the following morning?

A. Saturday in fact was the first time the question was asked.

Q. You were not asked Friday night?

A. No, it wasn't Friday, it was Saturday.

I don't believe there was a court reporter taking down what I said when I came down Saturday morning.

626 Mr. Austin asked the questions. The question was "How were you treated while in the State's Attorney's office?" and my answer was, "All right" or words to that effect "while in the statement's Attorney's office". I did not at any time use the word "royally". The word "royally" was not mentioned in my presence to anyone at that time.

On the 26th of March, 1953, the first person that identified themselves as a representative from the State's Attorney's office or any high official capacity was Mr. Bloch.

627 When I saw Sergeant Pierson on the 21st day of March, 1953, at the Stockyards Police Station he had in his hand other than the hat a partially taped pipe.

Q. On the occasion of your arrest at your home on the 26th day of March, 1953, you heard it testified in this court that your wife took a suit off the rack for you.

A. That wasn't true.

Q. Who took the suit from the rack?

A. One of the Officers that came there and got me.

Q. On the evening of March 28th, 1953, when you came into the State's Attorney's office, was the name of your lawyer, Mr. Gerber, mentioned?

A. No, sir, it wasn't, not on the 28th. That was Saturday, sir.

Q. On the 27th.

A. The 27th, yes sir, it was.

Q. What time on the 27th?

A. It was approximately 10:30 or 11:00 at night.

628 Q. Who uttered the words, "Mr. Gerber", if anybody, besides you?

A. Mr. Austin and Eugene Taylor.

Q. What did Eugene Taylor say?

Mr. McGovern: Judge, I am going to object at this time. I don't think this is rebuttal.

The Court: I don't know what it is leading up to. in itself it would not be. I will let him answer. Overruled.

The Witness: Eugene Taylor confirmed the statement of Mr. Austin.

The Court: Say that again?

A. Eugene Taylor confirmed the statement of Mr. Austin.

Mr. Lee: What were the words Eugene Taylor used?

A. That Mr Gerber our attorney had been arrested for conspiring with criminals. Those were the exact words.

The Court: That's what Eugene Taylor said?

A. Yes, sir. It was a confirmation to Mr. Austin's prior statement.

Mr. Lee: You took the stand here in support of this motion on Monday and Tuesday of this week?

629 A. Yes, sir, I did.

Q. And your testimony, on direct you testified as to what Eugene Taylor said with relation to Mr. Gerber at that time.

A. No, I don't believe I did with regard to Eugene. I believe, I am quite sure, I know that I made—I tes-

tified as to what Mr. Austin said, but as to the confirmation, I believe this is the first time.

Mr. Cooney: Judge, I move the testimony be stricken. It isn't fair rebuttal. Concerning what Taylor said, I move be stricken from the record.

The Court: Sustained.

Mr. Lee: That is all.

Mr. McGovern: No cross, Judge.

(Witness excused)

630 (Whereupon a recess was taken until 2:00 p.m. same date, December 2, 1955.)

631 Before The Honorable Elmer Holmgren.

Court convened pursuant to recess: December 2, 1955, 2:00 p.m.

Present: Mr. Joseph V. McGovern, Mr. Robert Cooney and Mr. Stephen Lee.

631-641 Argument in support of motion to suppress by Mr. Lee.

641-648 Argument in opposition of motion to suppress by Mr. McGovern.

649-651 Rebuttal argument in support of motion to suppress by Mr. Lee.

651 The Court: After considering all the evidence in this case the Court will deny the motion to suppress.

Mr. Lee: May I ask if the Court has seen those documents. You identified a couple documents here.

Mr. McGovern: No.

The Court: Only that one thing that was admitted in evidence, the jail card.

Mr. Lee: Well, he has two statements there. That applied to both.

The Court: We will start the trial on Monday at 11:00. I think the jurors can be ready at that time.

(Whereupon the further hearing of this cause was continued to Monday, December 5, 1955, at the hour of 11:00 a.m.)

652 Indictment Number 53-672.

Before Judge Elmer Holmgren—December 5, 1955.

Present: Mr. Joseph V. McGovern, Mr. Robert Cooney, Mr. Stephen Lee.

Whereupon the prospective jurors were sworn and examined as to their qualifications. Whereupon after Counsel examined the prospective jurors and twelve jurors not having been selected, the above entitled cause was continued until December 6, 1955.

656 Indictment Number 53-672.

Before Judge Elmer N. Holmgren.
December 6, 1955 at 10:00 a.m.
Present: Same as before.

The jurors examined by counsel and twelve jurors not having been selected the above entitled cause was continued until 1:30 p.m., December 6, 1955.

657 Whereupon the jurors were further examined upon their voir dire by counsel, and twelve jurors not having been selected the cause was continued until December 7, 1955.

660 Before Judge Elmer Holmgren and a jury.
December 7, 1955.

Present: Same as before.

Whereupon Counsel further proceeded with the selection of a jury, and twelve jurors not having been selected the above entitled cause was continued until 1:30 p.m., same day, December 7, 1955.

661 Counsel for the People and Counsel for the Defendant proceeded with the selection of a jury.

Twelve jurors were selected and sworn to try the issues.

662-678 (Whereupon Mr. McGovern made an opening statement on behalf of the State.)

Mr. Lee: In regard to the next to last statement of Counsel, the Defendant will waive his right to statement at this time, if the Court please.

The Court: All right. I understand you are waiv-
679 ing your right to an opening statement at this time.

Mr. Lee: Yes, Judge.

The Court: Let the record so show. Are you ready?

Mr. McGovern: I believe we have witnesses downstairs. If you will give us just a minute to get them up here.

The Court: All right. Ten minutes recess.

(Whereupon a short recess was taken.)

The Court: Bring in the jury.

(The jury was brought into open Court and the following proceedings were had in their hearing and in their presence.)

The Court: Do you have a motion?

Mr. Lee: Yes, there is a motion to exclude witnesses.

The Court: Motion to exclude witnesses is allowed.

Mr. McGovern: We request permission of the Court to keep one Police Officer.

The Court: You have such permission.

680 Mr. Lee: The same one throughout the trial, yes, Officer Ellerbeck, who is present in Court.

The Court: All right.

Mr. Cooney: May we proceed now, Judge?

The Court: You may proceed.

DAVID P. RYAN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is David P. Ryan. I live at 208 North LaPorte. I am a Police Officer assigned as
681 laboratory technician on the mobile unit of the Police Crime Laboratory. I have been a technician with the Crime Laboratory for the City of Chicago for slightly more than six years.

As a technician, basically, we gather material evidence at the scene of a crime, depending upon which crime it is. We primarily look for latent finger prints.

Mr. Cooney: Let me interrupt, sir, a moment. Do you have anything to do with preparing maps and plats and diagrams?

A. Yes, we do.

682 Q. How much experience have you had in drawing plats and diagrams?

A. Well, I have in the Police Department, have had experience on all Homicide cases we draw up a rough sketch of the scene, not all of them, those to be presented in Court evidence, in all Homicides we do draw up a rough sketch in cases such as this.

We have to draw up the plans because they are required by the State's Attorney.

Q. Prior to your experience in the Police Department as a technician, did you have previous experience doing surveying of any kind?

A. Yes, for four years in the Army I was a survey Sergeant.

We prepared maps, obtaining such measurements in angles and lineal distances, and from this information the Artillery, of which I was a part, fired the guns. In the Army I must have made about at least fifty maps and plans.

683 Q. How many plans, maps or drawings have you made, sir, while a technician with the Police Department.

A. Well, I have had seven that were introduced in evidence.

I would say I have made about forty-five rough sketches, maps and plats.

The Witness: I was a member of the Scientific Crime Detection Laboratory on March 20, 1953. On that date I did have an occasion to go to the Libby, McNeill and Libby plant located here in Chicago. My partner and I got there approximately 12:30 p.m.

Mr. Cooney: I want you to take a look, and may I refer to this without disturbing the court reporter?

The Court: It may be marked—

Mr. Cooney: People's exhibit one for identification.

Q. You see People's exhibit one marked for iden-
684 tification, do you?

A. Yes.

The Witness: On March 20th I did go to Libby, McNeill and Libby's in buildings known as building E and building D. I prepared figures and made measurements in the buildings at that time.

Q. Now, would you step down here just a moment, sir. You have noted here building E, the cooler room on the fifth floor. Did you go to that building on March 20th?

A. Yes, we went up on this homicide here.

Q. Did you make certain measurements of the area which is pictured on this plat?

A. We took measurements of this area right in here. However, we did not get to this that particular day.

The Witness: The next day, Saturday, we came
685 back and made further measurements. I prepared my figures myself. At that time I had a steel tape, one hundred feet long. I had a partner with me.

I made measurements of the area on that date, on both dates the 20th and 21st. I made those measurements, I returned to the Scientific Crime Detection Laboratory.

Q. Did you prepare this plat, sir?

A. No sir. Not immediately, no sir.

Q. When did you prepare it?

A. We started on it about a week later.

The Witness: My partner and I prepared the map. We used the figures we had obtained on March 20th and March 21st.

686 Well, figuring a couple of hours here the first day and approximately the same the second day, it would be, say, about four hours that it took us to prepare this map.

Q. Now, does this People's exhibit one for identification truly and correctly represent the area out at Libby, McNeill and Libby Company plant as it appeared on March 20, 1953?

A. Yes, to my knowledge, it does.

The Witness: If there are any mistakes, I don't know what they are. The scale is one inch equals one foot. That means in the fraction it could be one over twelve; in other words, any unit of this map would equal twelve units on the ground. Yes, it is a true,
687 correct and accurate scale of the premises as it appeared on March 20, 1953; the scale is correct.

Q. Now, I will ask you to look at—May I mark this People's exhibit two for identification?

The Court: It may be marked People's exhibit two for identification.

The Witness: I prepared and worked on People's exhibit two for identification. We came back the following Monday, that would be the 23rd, and made certain measurements of the Libby, McNeill and Libby
688 plant. We made a rough sketch. I measured the area depicted in this exhibit, People's exhibit two for identification. Officer Elmer McAvoy was with me when I measured the area represented in the plat. We taped it off with this one hundred foot steel tape we have. This took about all day. It was quite a job.

We took the measurements back to the Laboratory and subsequently made this plat. Yes, this plat is drawn to scale; one inch equals twenty feet; in fractions that is one over two hundred forty.

Yes, this particular plat, People's exhibit 2 for identification, is a true, correct and accurate scale drawing of the premises which it depicts as they appeared on the date I mentioned.

689 North is to the right-hand side of the map. South side is directly opposite, on the left-hand side. West is up at the top. East is at the bottom.

The lines going through at Loomis Street represent railroad tracks.

690 Q. This street here going in a North and South direction you have "Packers Avenue"; is that a street in the City of Chicago?

A. It's a street, yes, sir.

Q. This indication here marked "Exchange"—

Mr. Lee: Just a moment. The question asked, "Was that a street in the City of Chicago?" and he said, "Yes, it's a street."

The Witness: In the City of Chicago.

The Court: I will let it stand.

Mr. Cooney: "Exchange Avenue", what does that represent, so the jury knows.

A. That's a street running east and west in the Stockyards proper.

The Witness: All these broken lines you see, they are on an elevation, which are not shown on the ground. They are elevated above the ground and the dotted lines indicate elevation. Those similar marks are also
691 elevated. They go across the top of the street. Here's another one right here and here is another one right here. (Indicating) They are passages that connect the buildings above the street level.

The people over there designate these various buildings B, C, A, D, E, and F, so we took their designation, so they would be accurate.

The Court: You say "this map", are you referring to People's exhibit one for identification?

Mr. Cooney: Yes, to exhibit one.

692 A. People's exhibit one, north is to the top of the map.

The fifth floor in building E corresponds with the third floor in building B, although they are on the same level.

Q. Now, you have noted "steps up" and these are steps leading up to what building now?

693 A. They go up to the sixth floor building, building E.

Q. You have here noted "steps down", to what building do they go?

A. They go down to the fourth floor of building E.

Mr. Cooney: You may resume the stand. That is all. Do you have any questions, Mr. Lee?

Cross Examination by Mr. Lee

The Witness: When I was in the Army I had to do with this particular kind of work.

In this exhibit one the top part is directly north. In exhibit two the top part is west.

694 Q. Based on your experience in the Police Department and also your experience in this particular field of activity in the Army, I ask you, isn't it customary and usual for a map or chart of this kind to be appended with north at the top? Yes or no.

A. Well, I can't answer that yes or no.

Q. I said what is the custom and usage?

A. Custom and usage, yes.

Q. That is the answer, yes. The Defendant objects to exhibits one and two, if the Court please, unless—do you want me to state the objection aloud or privately?

The Court: Go ahead.

Mr. Lee: May I say it here?

The Court: You may say it there.

695 (Whereupon the Court, Mr. Lee and Mr. McGovern engaged in conversation relative to People's exhibit 2 for identification.)

696 The Court: People's exhibit 2 for identification shown on its face by certain arrows the direction markings. For instance, as I view it, and I am close

to the exhibit, there is an arrow and the arrow head is pointed north, and that is at the lower right-hand corner of the exhibit.

I don't believe it will confuse the jury and the objection is overruled.

Mr. Lee: It might confuse witnesses when they come in to point out something.

697 Q. By the way, the Libby, McNeill & Libby plant is in what is known as the Stockyards of the city of Chicago, is that right?

A. Yes, that's right.

Q. And it is located on private property.

A. Yes, sir.

Q. It is property that is recorded on the charts within the Stockyards?

A. Yes, sir, it is.

Q. So that Loomis Street that you previously indicated on this part back here, within the Stockyards?

698 A. Yes, it is.

Q. And Loomis Street runs north and south, does it?

A. Yes.

Q. On the map, according to what we are used to, it runs east and west, isn't that right?

A. No. It runs from left to right.

Q. Loomis Street it a public thoroughfare in the City of Chicago and comes to and end at its northern point, at the Stockyards, or does it go through?

A. I wouldn't know about that.

Q. What number west is Loomis Street?

A. In the city, it is 1400 West.

Q. Now, that map there shows Exchange Avenue; which one is Exchange Avenue?

A. It is the one approximately in the middle, runs east and west.

Q. Does it intersect Loomis Street?

A. It meets Loomis Street.

Q. Does it keep going past Loomis?

A. I think it goes beyond it.

699 Q. This shows a building, one big building in the plant?

A. That is one floor, two buildings actually.

Q. Back here on this one, it's the surface level of the entire plant?

A. That's the surface, correct.

Q. Surface level?

A. Yes, sir.

Q. Well it shows other properties besides the property of Libby, McNeill and Libby?

A. Some of the other property, yes, sir.

Q. From this one marked Exchange Avenue to 41st Street and from Loomis to Pipers Avenue embraces the one and only building of Libby, McNeill and Libby?

A. They may have other buildings.

Q. Yes, of course, but not where you are in the Stockyards.

A. Yes.

Q. As a matter of fact, they may have buildings all over the world.

A. Yes.

Q. It's a large corporation, engaged in the canning business.

A. I believe they do canning, yes.

Q. You visited each and every room in the Libby, McNeill and Libby main building, did you?

A. We went through all those buildings up there.

Q. This is the surface level?

700 A. Yes.

Q. How many of those are there altogether in the Libby, McNeill and Libby Building; how many stories high?

A. Correction, if I may. We took from the fifth floor. I did not go any higher than the fifth floor.

Q. But this is the surface level.

A. Down on the surface level, that would be this. I don't know how many stories there are in these various buildings.

Q. But it's really only one building?

A. They are divided up. Why I don't know, but they have them divided up.

Q. You have been up and down Ashland many times?

A. Yes.

Q. What is the big building I just indicated, visible to persons passing on Ashland Avenue.

A. I don't know, sir.

Q. You never looked?

701 A. No, I did not.

Q. It's one building of brick masonry. It's sort of a tannish, brownish color?

A. Yes, I went into the Swift Building.

Q. It says "Police Station" here; is that a police station of the City of Chicago?

A. No, that's one of the plant police stations.

Q. And because it is marked there "Swift & Company" it belongs to Swift & Company, I take it? That's a private police department of Swift & Company?

A. I believe so.

Q. You know; you talked to men of that department, haven't you?

A. In one instance I talked to one.

Q. You talked to somebody?

A. Yes.

Q. And this one over here is Swift & Company property, isn't it?

A. Yes, sir.

702 Mr. Lee: Judge, I repeat my objection to the way it is facing up here.

The Court: I have ruled on that, Mr. Lee.

The Witness: In Building E I went up five floors. That would be the top. Yes, we had to stop on each
703 floor. No, I do not know what they do in the room. I didn't talk to anybody representing Libby, McNeill and Libby. I talked to police officers there.

Q. Who else did you talk to besides McAvoy?

A. Well, there was Chief of Detectives O'Malley; there were officers from the Robbery detail, the Homicide Detail, Cartage Detail.

Q. That is the City of Chicago Police Department?

A. City of Chicago Police Department.

Q. Any other police department?

A. There was a guard from the Libby plant there.

704 Q. Did they have a police station there too?

A. The station I don't know, but they have a plant guard.

Q. Well, do they have any police headquarters?

A. I believe they do, but which one it was I don't know. We primarily went in to this building marked "T", so I assume that's a gathering point for the police.

Q. Then you did see a police station at Libby, McNeill and Libby plant?

A. No.

Q. But you do in fact say this is a police station?

A. Yes.

Q. Well, this marked "T", you put the "T" on there?

A. I did.

Q. For what purpose?

A. To connect the buildings.

Q. Building T. What does that make of Building D?

A. Those are offices.

Q. They have canned goods there, don't they?

A. I haven't the faintest idea.

Q. Did you see canned goods there, baby food?

A. Two cartons.

Q. You saw none of the cartons for which Libby, McNeill and Libby are famous?

705 Mr. McGovern: Object to this.

The Court: Sustained. I don't think it is proper cross examination.

Mr. Lee: Well, Judge, I am just trying to assist the jurors. The very purpose of this, it is visual

The Court: That's alright, but whether there were two cartons of baby food, I don't think that has any place.

Mr. Lee: It's all topsy turvy. I have to stand on my head.

The Court: I have ruled on that map and I have no further reference to that.

Mr. Lee: Q. Now, you mentioned the State's Attorney, you said at the request of the State's Attorney, who was the State's Attorney that requested you to make this chart?

A. That was State's Attorney Bloch.

Q. What is his first name?

A. Irwin.

706 The Witness: We took these measurements on the request of Homicide. At a later date Mr. Bloch re-

quested that it be drawn to scale on the plat, which is this.

707 No, none of the employees of Libby, McNeill and Libby Company assisted me in taking the measurements. In one instance they gave us a sketch of their property. We requested this drawing, and it was given to us, and who it was I don't know.

Q. Which drawing?

A. This drawing showing their building. We stated what we wanted it for and we took it the way they had it.

Q. So you did not copy it the way you saw it, you copied it the way they had it, is that right, sir?

A. No, sir.

Q. What did you do with their map?

A. Their map? I don't know what happened to that.

708 The Witness: I don't know the name of the man that gave me the map. No, I would not know him if I saw him again. I only saw him once; I think he was up in the office on the third floor, it will show on that one plat.

Q. There is only one entire building there, is that right?

A. Yes.

Q. And this Building D is a building within a Building.

A. Partitions, I believe you call them.

Q. You went over the entire 5th floor, didn't you?

A. Fifth floor? No. Just this area in here, D and E.

The Witness: I believe they have a chart of the surface level of the building. If I may point here for
709 reasons of clarity, you may notice this area right in here (Indicating). That's the area represented on that particular plat over there.

Now, if you look to the left of the plat, to the left of the hall, there is a solid wall. Now, if you look back here you will notice that there's an opening in the wall up on the 5th floor of the building. That is the only place where there is a solid wall. So we made an opening for clarity sake.

Q. Now, you have shown up to this point three entrances on Packers Avenue.

710 A. For that particular building, yes, sir.

Q. And this building contains as many levels as the other buildings.

A. That, I don't know.

The Witness: There is one entrance between Building D and Building E; also between Building D and the spot designated as Hall on the smaller exhibit over there.

Q. This is the ground floor you are talking about?

A. You didn't ask if this is the ground floor.

Q. I am talking about the ground floor. I said this shows the ground floor, too.

A. No, sir, not exactly.

Q. Does it show the ground floor or 5th floor?

A. It shows the ground floor.

Q. And it shows the 5th floor?

A. No, sir, it doesn't show the 5th floor. I explained the difference up in here (indicating). That's the 5th floor and there's a difference which shows up on the other plat over there.

Q. All right. But this is the entire building?

711 A. That's the entire building. On the east side of the building there are eight entrances and exits. At the surface level. There are three entrances on the west side of the building.

Q. Inclusive of this one here?

A. I am not counting that. That's an elevator.

Q. You got—Does this mean anything? (Indicating)

A. It's an opening there. That's an elevator.

Q. That's an entrance to the elevator, that's an entrance?

A. Not what you are speaking of.

712 The Witness: Inclusive of the elevator entrance there are three entrances and exits on the Loomis side of the building.

Building R, Building L, and Building C are separate buildings. B is another building; S is another building; A is another building; F is another building.

Q. And P you think stands for Police Station?

A. I don't know. I don't know what the P stands for.

Q. Because you copied it off the map they gave you? You don't know.

A. I took the letters off the map.

Q. Well, if you attached no significance to it, how can it possibly have a significance here as a visual aid? Answer me.

713 A. I don't understand you.

Q. What's the purpose of the "P" at this time on those charges, on this Exhibit 2 for identification?

A. These buildings are labeled.

Mr. Lee: No.

Mr. McGovern: I submit the witness should have an opportunity to answer the question.

The Court: Yes, he may answer.

The Witness: These buildings are labeled as such by Libby's. Why, I don't know. But the people there know the buildings by such letters. We might as well take the letters they are using. If I gave an entirely different lettering to this, it really would be confusing.

714 The Witness: There are no entrances on the north side of the building. On the north side of the building it is labeled 41st Street.

There are 5 entrances on the south side of the building.

I spent approximately 2½ hours there on the first
715 day. I spent about 4 hours on the second day. The second day was on a Saturday. The third day, on Monday, I went there at approximately 9 o'clock in the morning and I left at about 3 o'clock in the afternoon. I was accompanied on each and every occasion by my associate and partner, Officer McAvoy.

Q. Who wrote down the marks as you and he took the measurements with the tape you mentioned?

A. I wrote down the figures.

Q. You wrote them down in a book you took with you?

A. Not in a book; it was a sheet of paper. We
716 had the pens and ink, the T-Squares and what have you. Those were the instruments we had.

The Witness: Subsequent to taking all these measurements, we went back to the Police Headquarters at 1121 South State Street. We made this chart in the Crime Laboratory, 12th Floor, 1121 State. I don't know what date we completed the chart. My best recollection is that it was probably about 3 weeks after the crime occurred.

717 We wrapped up the paper and put it away. Yes, then we came over to the 2nd floor of this building one day to exhibit it here. No, we did not go back to Libby, McNeil and Libby and exhibit it to the officials.

Yes, that's an elevated station and it's within the stockyards. We measured that on Monday.

718 On March 20, my partner, Mr. McAvoy and I, ar-
719 rived there at approximately 12:30 PM. We started

taking measurements at approximately a quarter after one.

Q. Have you the memorandum of the measurements you made as of that date?

A. No, sir, I don't.

Q. Can you remember without the assistance of any notes, the extent of the initial measurements, the first day's measurements?

A. No, sir, it would have to be a guess.

Q. I am referring to the Exhibit 2 for identification.

A. No, sir.

Q. You did not do that?

A. Did not do what?

Q. You can't remember?

A. No, sir, I can't remember.

720 Q. Did you make any measurements for this chart?

A. Yes, we made a rough sketch for that, too.

The Witness: On March 20 as to this Exhibit 1 for identification, we did this area right in here, designated as Hall. This is the 5th floor of Building E. Building E is shown also on People's Exhibit 2.

Q. And these are iron doors?

A. Right here they are designated. These right here.

Q. Are all the doors iron on that floor?

A. No, sir, they are not.

721 Q. Which ones are iron?

Mr. Cooney: Object, Judge. Immaterial.

The Court: Well, I will let him answer. Overruled.

A. The ones so designated are iron doors. These right here. (Indicating) These two—iron doors.

A. Two here and two here. (Indicating)

The Witness: You could open or close it in a horizontal plane. Manually—meaning not by automatic operation. To open it you have to use strength and muscle to do it. No electric impulse that I know of.

722 Mr. Lee: There is nothing further from the Defendant at this time, except I reserve the right to call him back, if you please.

The Court: For what? For further cross examination, or do you mean as your witness?

Mr. Lee: If you will give me a chance I will answer you, Judge. Just one second.

Well, if I want to cross examine him again he will be available, won't he?

The Court: No, you have your chance to cross examine him now. We have to get on with this trial.

Mr. Lee: All right.

The Court: If you want to finish your cross examination now, do it.

Mr. Lee: I can't think of anything else right now.

The Court: Unless you call him as your own witness, you can't ask him any further questions.

Mr. Lee: The cross examination is ended.

723 The Court: All right.

Mr. McGovern: You may step down, Mr. Ryan.

Your Honor, at this time I offer in evidence People's Exhibit 1 which has been marked for identification and the People's Exhibit 2, which has been marked for identification. We ask that they be received in evidence as the People's Exhibit 1 and the People's Exhibit 2 in evidence.

The Court: People's Exhibit 1 and 2 for identification may be received in evidence as People's Exhibit 1 and 2, respectively.

(Which said charts, marked respectively People's Exhibits 1 and 2, were received in evidence.)

724 Mr. Lee: The Defendant objects to the admission of both.

The Court: The record may so show.

Mr. Lee: For the reason that I previously alluded to and I want it to be recorded specifically, one being upside down so as to confuse us.

(Witness excused.)

GERHARD HENRIKSEN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

(The Witness) My name is Gerhard Henriksen. I am employed at Libby, McNeill and Libby. I have been
725 an employee of Libby, McNeill and Libby Company for 14 years. I work in the general office, as an office custodian. I live at 2435 North Kedzie Boulevard.

(The Witness) Yes, on March 20, 1953, I was then an employee of Libby, McNeill and Libby Company. Yes, on that date at about the hour of 11:00 o'clock in the morning, I had the occasion to be on the 5th floor in the Cooler Room in Building E of the Libby, McNeill and Libby Plant. That is the Libby, McNeill and Libby Plant located in the Stock Yards, City of Chicago.

At the time I went into the Cooler Room, I was with
726 Marie Zutko. Miss Zutko was also an employee of Libby, McNeil and Libby Company.

As I was to leave the Cooler Room, a man walked up to me. He had a hood over his head and a gun

in his hand, and he said—he said "Stick 'em up, make no noise or I'll kill you." I put my hands up and Miss Zutko, she also put her hands up. He said, "Turn around and walk over to that wall." And he pointed
727 to the wall. The wall to our left. I walked over to the wall in the Cooler Room.

We stood there for a while and he told us to get down on our knees. We got down on our knees; Marie Zutko and I. When we got down on our knees we were then facing the wall.

It was quiet for a while and some voice asked, "What time is it?" And someone answered, "11:02, it won't be long now." I don't know whose voice that was.
728 The man that I saw, who originally put his gun on me, had a grayish jacket and grayish felt hat. He wore gloves.

It was quiet for a while and then the doors were opened and I saw three men run out of the Cooler. I could see one man standing over Fred Rusch and I saw him hit with an object that looked like a pipe to me. Fred Rusch is a Plant Guard.

Q. Would you step down for a moment, and step to this plat, People's Exhibit I, marked for identifica-
729 tion; you have seen that plat before, have you, sir?

A. Yes, sir.

Q. Would you take this pointer, please, and indicate on that plat where the Cooler Room on the 5th Floor that you have described in your testimony, is located.

A. It is this room here. (Indicating)

Q. Would you indicate on that plat where you were forced to kneel down in that Cooler Room, sir?

A. Right in here.

Mr. McGovern: Indicating a position against the

wall nearest the steps, and also near the door, is that correct, sir?

A. Yes.

Q. Would you show us—you said some doors were open, is that right?

A. Yes.

Q. Do you know which doors they were?

A. These doors here. (Indicating)

Mr. McGovern: You are indicating for the purpose of the record the two wider doors nearest inside the Cooler Room, is that right?

A. Yes, sir. (Mr. Henriksen resumed the stand.)

730 The Witness: Yes, I saw Fred Rusch a guard. He was across the hall, just coming through the door, into the vestibule of Building E. I could see a little opening between the wall and the door. Yes, that's the door in the Cooler Room I indicated on the plat.

I saw this man hit him with what I thought looked like a pipe, and he said, "Give me your gun." Fred Rusch said, "Don't shoot, don't shoot, take it." The man struck him on the head.

731 I heard him say, "Get in, get in there." And pretty soon Rusch and this man came into the door and he told him to get down on his knees right next to me. And he again said, "Give me your gun." And Fred Rusch said, "Well, take it."

Q. This man who brought him into the Cooler Room, do you know how he was dressed?

A. He had a gray felt hat on and a dark coat.

Q. And when you say coat, you mean a topcoat length, sir?

A. A topcoat, yes, sir.

(The Witness) Yes, after Mr. Rusch was brought into that Cooler Room, I did see someone else come in there; Mr. Baker and Mr. Carlson. They were also

told, "Get in there, get in there, get in there." And as they entered they were told to get down on their knees. Yes, that was near me.

732 As we all were down on our knees, one of the men just hit us over the head and I was sort of blacked out. No, I did not see who hit me at that time. When I was hit over the head, I fell. I had a hole up in my 733 head, a 3 inch gash. At that time I felt my head and it was sore and blood was running down in my face. I was treated for the injury at the Evangelical Hospital. They took an X-ray of it and they took some stitches in it.

Q. I show you, Mr. Henriksen, what I will ask to be marked the People's Exhibit 3 for identification. (Document so marked.)

Q. I ask you to look at it—just take it—now I ask you if this People's Exhibit 3 marked for identification is a true and correct picture of the inside of the Cooler Room on the 5th floor of Building E as you saw it on 734 March 20, 1953?

A. Yes, it does.

The Court: What date was that?

Mr. McGovern: March 20, 1953. (To the witness) Would you step down here for a moment, sir? Would you indicate on this sheet to these ladies and gentlemen of the jury, would you indicate on this particular exhibit, the place where you were kneeling? Just point to it.

Mr. Lee: Now, I object, if the Court please.

The Court: Sustained. It has not been introduced in evidence.

Mr. McGovern: Judge, I am sorry. I offer in evidence at this time the People's Exhibit 3 marked for identification and I ask it be received in evidence as the People's Exhibit 3.

Mr. Lee: Let me see it.

Mr. McGovern: Certainly. I am sorry.

(Mr. McGovern hands document to counsel.)

Mr. Lee: I have never seen it. You never showed it to me before.

Mr. McGovern: Mr. Lee, you can take all the time you want with it.

735 Mr. Lee: I can't take all the time I want tonight. I don't punch a clock or anything. It's getting late.

Mr. McGovern: Object to remarks like that. The Court is running this court. Certainly, we are not.

The Court: Sustained.

Mr. McGovern: I think that's an unfair comment.

Mr. Lee: May I ask a question or two of the witness, first, Judge?

The Court: No objection to that.

Mr. McGovern: I have no objection.

Mr. Lee: In regard to the picture only, confine it to the picture.

The Court: That's right, confine it to the exhibit.

Mr. McGovern: Judge, at this time I will turn the witness over for cross examination in all respects.

The Court: All right, you are through with your direct examination.

Mr. McGovern: Yes, Judge, I will finish now, and then I will renew my offer.

The Court: Go ahead and cross examine.

Mr. Lee: I have this picture in my hand and I am 736 objecting to it.

The Court: They are not now offering it. They are withholding their offer until later.

Am I right about that?

Mr. McGovern: That's correct, your Honor.

Cross Examination by Mr. Lee.

(The Witness) I worked in the General Office of Libby, McNeill and Libby. The lady who was with me works in the same office. At the time this happened
737 to us, we were on our way to our office. The office in which we work is on the 3rd Floor, Building D.

Yes, the picture you are holding, marked 3 for identification, I have seen the past several times. Yes, I have seen it before.

Yes, the Cooler Room, what they call the Cooler Room is what it means, for cooling things; that is refrigerated. I went through the Cooler Room on that day. It is permissible for employees going from one place to another to go through the Cooler Room, but
738 not necessary. The temperature is ordinarily about 44 degrees.

The young lady, Marie Zutko, and I were walking together. We were alongside one another. Yes, we had some place for some records. We did not have any objects in our hands at that time.

We were not able at any time subsequently to give a description of the three persons we saw there other
739 than what I said this afternoon. Each and every one of those three persons had their faces hidden. It was concealed behind a mask.

The man Rusch is an employee of Libby, McNeill and Libby, too. Yes, he was asked to give up his pistol by one of the robbers.

Q. And subsequently you saw certain individuals in the line-up at an exhibition?

Mr. Cooney: Object. Beyond the scope of direct examination.

The Court: Sustained. There wasn't anything brought up about any line-up or other identification whatsoever.

(The Witness) I don't know how long I was unconscious. I stayed away from work for a while after that to rest up.

740 Yes, I heard a voice request of Rusch to give him the pistol. No, I did not see Mr. Rusch give up the pistol. I heard Mr. Rusch say, "Take it." No, I did not see the pistol pass from Mr. Rusch to another individual. That's because I was looking at the wall.

Yes, I saw Rusch in there afterwards. No, I did not see Mr. Rusch before he was asked to give up the pistol.

741 I heard Mr. Rusch utter words before he uttered the words "Take it." When he uttered the words, "Take it" he was within the Cooler Room. The other words that Mr. Rusch uttered were not spoken in the Cooler Room. I heard Mr. Rusch speak when the door was opened.

The door is an iron door. Yes, it did make noise as it opened. But not enough noise to drown out the voice of anyone. I heard the voice of Mr. Rusch. I heard Mr. Rusch say as the door was opened. "Don't shoot, take it."

742 I saw three individuals with masks on. I saw five persons, including myself, that I knew were employees of the company. There were Miss Zutko, Mr. Baker, Mr. Carlson, Fred Rusch and myself.

First of all, when the door was opened, I heard Mr. Rusch say some words; a request was made for 743 his pistol. Mr. Rusch said, "Don't shoot, take it." Then again, a few seconds later, there was another request for Mr. Rusch's pistol.

Mr. Rusch came into the Cooler Room before Mr. Carlson. I don't know if Mr. Carlson came in before Mr. Baker.

Yes, I talked to Police Officers that day. They were Police Officers of the City of Chicago.

744 Q. And the conversation you had with them was at the Plant?

A. No, sir.

Q. Where was it, Mr. Henriksen?

A. In the hospital.

Q. What hospital?

A. Presbyterian.

Q. You were by yourself, you were alone there, weren't you?

A. I was in a ward.

Q. At the Presbyterian?

A. Yes, sir.

Mr. Lee: Nothing further, Judge.

(Witness excused.)

The Court: I think we will adjourn.

(Whereupon the Court informed the ladies and gentlemen of the jury that because of the nature of this case, they could not separate until after the case was over.)

745 (Bailiffs sworn.)

The Court: We will convene again tomorrow as soon after ten o'clock as it is possible, compatible with our call. We have a short call and we will work Saturday and keep on until we get through with this case. We can't work Sunday. I have no way of knowing how long this case is going to take, but I have my ideas which I can't express to you at this time.

There are a lot of things I would like to say to you ladies and gentlemen, but I am prohibited from saying them at this time, but when the case is over, any questions you want and I will try to clear it up. Good night, ladies and gentlemen.

(Whereupon a recess was taken until ten o'clock A.M. the following day, Thursday, December 8, 1955.)

746 Indictment No. 53-672.

Before Judge Elmer N. Holmgren and a Jury—Court convened pursuant to adjournment—Thursday, December 8, 1955, 10:00 A.M.

Present: Mr. Joseph V. McGovern, Mr. Robert Cooney, and Mr. Stephen Lee.

(The Jury is brought into open Court and the following proceedings were had in their hearing and in their presence.)

RUDOLPH ZUKOWSKI, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

747 (The Witness) My name is Rudolph Zukowski. I live at 6421 South Talman. My father's name was Theodore Zukowski. He was Chief of the Guards at Libby, McNeill and Libby, at the Stockyards. He worked for Libby, McNeill and Libby for eleven or twelve years.

Yes, I did see my father on March 19, 1953. I was at my home and at that time he was alive and in good health. Yes, he could walk and talk and carry on his normal functions.

748 On the 21st of March, 1953, I saw my father at the back of the Chapel where he was going to be laid out. Yes, that was the funeral Chapel, Chrastka's. At that time he was dead.

Q. Now, Mr. Zukowski, I ask you, is this Exhibit, purporting to be a star, gold star with the writing, "Captain of Police, Libby, McNeill and Libby"—I ask that be marked and referred to in this record as the People's Exhibit 4 for purpose of identification, and I ask that this blue visor cap with the gold badge "Captain" appearing on the front of it, be marked and referred to as the People's Exhibit 5 for the purpose of identification.

The Court: It may be so marked for identification. (Which said items were so marked.)

Mr. McGovern: Now, Mr. Zukowski, I show you what has been referred to as the People's Exhibit 4 for identification and ask you to look at it. (Handing Exhibit to the witness.)

A. The same star my dad had.

749 Q. You say this is the same star your dad had, this is the star worn by your father in his job as Plant Guard at Libby, McNeill and Libby?

A. Yes.

Q. I show you the People's Exhibit 5 marked for identification and ask you to look at that.

A. Yes, this looks like my father's hat.

Mr. McGovern: So the Jury can hear you, this People's Exhibit 5 marked for identification, is this the hat of your father, Theodore P. Zukowski?

A. Yes, it is.

Q. How old a man was your father in March, 1953?

A. 46.

Mr. McGovern: You may cross examine.

Mr. Lee: No cross.

Mr. McGovern: That is all, Mr. Zukowski.

(Witness Excused.)

Mr. McGovern: Your Honor, at this time we offer in evidence the People's Exhibit 4 marked for identification and the People's Exhibit 5 marked for identification. I will withdraw the offer on these.

750 MARIE ZUTKO, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

(The Witness) My name is Marie Zutko; it is Mrs. Zutko. I live at 5309 South Bishop Street.

I am employed at Libby, McNeill and Libby Company
751 in the Stockyards in Chicago, Illinois. I am a file clerk there. I have been employed by the Libby, McNeill and Libby Plant for twelve years.

On March 20, 1953, I was then employed at the Libby, McNeill and Libby Plant.

On that date at about the hour of 11:00 A.M., I went into the Cooler Room on the 5th Floor of Building E at the Plant. No, I was not alone at that time. Mr. Henriksen had gone to the vault to check on some files and as we were returning through the Cooler, we were stopped at the door in the Cooler by a masked man
752 who pointed a gun at us. Mr. Henriksen, Mr. Gerhard Henriksen, was a fellow employee.

The man ordered us to put our hands up. I hesitated for a moment and then he said, "Come on now, I mean it, or I'll shoot," so I put my hands up and he ordered us to face the wall, which we did, the wall in the Cooler.

We were standing there for quite a while with our hands up in the air and facing the wall and he then ordered us to kneel down and put our hands over our heads like this (demonstrating), which we did. We

knelt there for quite a while and all of a sudden we
753 heard a lot of shuffling and commotion in the vestibule, the vestibule immediately outside of the Cooler Room.

Then I heard a shot and pretty soon someone was speeding, I don't know whether they were brought in or dragged in, it sounded like an awful lot of noise, into the Cooler and after a little while I was struck on the head.

When I was struck on the head I was kneeling down and I had my hands crossed like this, over my head (demonstrating). Yes, I was then facing the wall at that time.

No, I was not able to see who was brought into the Cooler Room when I heard the shuffling. I was facing the wall.

Yes, I was struck over the hand and over the knuckles
754 and my head also. I am indicating the knuckles of my right hand. I fell to the floor and after a little while, I guess, I got up and I noticed my hand was bleeding, so I immediately ran out into the office of Libby, McNeill and Libby.

I was taken upstairs to the doctor's office at the Plant where I received first aid and then later was taken to the Presbyterian Hospital. I remained at the Presbyterian Hospital until Sunday; from Friday until Sunday.

Mr. McGovern: Now, I ask that this revolver be marked as the People's Exhibit 6 for purposes of identification.

The Court: It may be so marked. (Which gun was so marked.)

Mr. McGovern: Q. Now, Mrs. Zutko, I show you
755 what purports to be a 38 caliber revolver and ask you if this looks like the gun that you saw held in the hand of the masked man on March 20, 1953, as you testified?

A. Yes, it does.

(The Witness) Yes, everything I testified to occurred in the City of Chicago, the County of Cook and State of Illinois.

Mr. McGovern: At this time I am re-offering the picture of the Cooler Room which has been previously marked People's Exhibit 3 for identification, and which was testified to and discussed yesterday afternoon here in Court.

Mr. Lee: At which time the defendant objected and now renews the objection because it has nothing to do with the proof in this case.

The Court: It was identified by the witness as being a true and correct representation of the room as it was on the date of the occurrence. It may be received in evidence.

Mr. McGovern: Thank you.

Mr. Lee: I respectfully say, Judge, that it isn't the room. You said it was the room. That has nothing to do with the issues.

756 The Court: Whatever it is, it may be received in evidence.

(Which said picture, heretofore marked as People's Exhibit 3 for identification, was received in evidence.)

757 Mr. McGovern: Mrs. Zutko, I show you now the People's Exhibit 3 which is now in evidence, and ask you to look at it, please. (Handing Exhibit to the witness) Do you recognize that?

A. I certainly do.

Q. What is that?

A. Well, this is the room where we were held captives, right here behind the door.

Q. Would you do this for me, please? Would you step down here, please, Mrs. Zutko? (Witness complies)

Mr. Lee: Now, Judge, I am objecting to this proceeding.

The Court: What is wrong with the procedure?

Mr. Lee: Well, I have objected to the picture.

The Court: The Exhibit has been received in evidence.

Mr. Lee: Yes, but it speaks for itself. It does not require any explanation. It is in evidence. It speaks for itself.

The Court: Overruled.

Mr. Lee: And you have that map up on the wall.

The Court: Overruled.

758 Q. Mrs. Zutko, would you point out so the ladies and gentlemen of the Jury can see, and Mr. Lee, would you indicate on this picture where you were kneeling in that particular room?

A. Right here. (Indicating) Mr. Henriksen was here and I was right beside him.

Q. You are indicating Mr. Henriksen was in a spot right next to the door, is that right?

A. Yes.

Q. And you were right next to him?

A. That's right.

Mr. McGovern: You may resume the stand, Mrs. Zutko.

(Witness complies.)

Mr. Lee: I am objecting to the last testimony, both the questions and answers and ask they be stricken.

The Court: Overruled.

Mr. McGovern: You may cross examine.

Mr. Lee: Let me take a look at that picture.

(Mr. McGovern hands Exhibit to counsel.)

Mr. Lee: If the Court please, may I have what is on the back of that picture stricken? (Handing Exhibit to the Court)

The Court: Yes, I think that should come off.

759 Mr. Cooney: May the record show further that only the front of the picture was shown to the Jury at this point.

The Court: The record may also show that so far the picture has not been passed to the Jury.

Mr. McGovern: Maybe I can put a piece of Scotch Tape over this.

The Court: It has to be covered and has to be obliterated.

Mr. McGovern: Maybe I can do it with a pen, Judge.

Cross Examination by Mr. Lee.

The Witness: Yes, the description I have given this morning is the same description I have always given. Yes, I have previously stated that I was not able to fully describe any person I saw. Yes, I was 760 here yesterday, in this building. I talked to both of 761 these two gentlemen yesterday downstairs on the 2nd floor. On yesterday I read over a transcript of the testimony I gave in the month of June, 1953. On yesterday I also saw that chart on the board, People's Exhibit 1.

Q. And you saw that one also?

A. Yes, I did.

The Witness: On the date of this occurrence I did not see more than one stranger there. I heard voices of the employees there that I knew.

After I saw Gerhard Henriksen, naturally, and then I remembered seeing Mr. Rusch, Mr. Baker and
762 Mr. Carlson. I don't remember hearing Mr. Baker's voice at the time of the incident; I really could not say. I did not hear the voice of Mr. Carlson at that time. I did hear the voice of Mr. Rusch.

Q. What was the occupation of Mr. Rusch with Libby, McNeill and Libby Company?

A. I believe he is a guard of Libby, McNeill and Libby.

Mr. Lee: Did you hear exclamations uttered by Mr. Rusch?

A. Oh, I heard him say, "Take the darned thing."

The Witness: That's all I remember as expressed by Mr. Rusch at that time.

At that time the Cooler Rooms contained goods, merchandise and foodstuffs. It did ordinarily. I
763 don't recall what they use it for now. At that time it was used as a sort of place to keep the foods.

Yes, I did see foodstuffs in there that day. I really would not know what foodstuffs I saw; there were cases of them.

Q. Case of canned goods?

A. I imagine, yes, sir.

Q. It is a large room, isn't it?

A. It's quite a large room, yes, sir.

Q. Do you see that Cooler Room on tha chart? Indicating People's Exhibit 1.

A. Yes, I do.

Q. You have been over that chart and it has been explained to you and the dimensions were explained to you, too, weren't they?

A. Well, sir, they would not have to be explained to me because I go through there many times.

Q. What were the dimensions of the Cooler Room roughly?

A. Well, I wouldn't know.

764 The Witness: It isn't a straight room. It runs a long way and then there is like another partition, so I really would not know how to describe it truthfully. It has windows on one side. They do admit some light. In addition to that, there is artificial light, electric light from the ceiling.

765 I fell to the floor and as far as I can remember, I don't think I lost consciousness. I really don't know, but I did fall to the floor.

Subsequent to March 20, 1953, several days or within a week after, I was not here in this building on the 2nd Floor.

Mr. Lee: Very well, there is nothing further, Judge.

(Witness Excused.)

766 CHARLES LEWIS BAKER, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Charles Lewis Baker and I live at 7021 South Oakley Avenue, Chicago. I live with my wife and family. My family consists of one daughter.

I am an Assistant in Personnel work with Libby, McNeill and Libby. I have been with them a little over 31 years. I was with them in the month of March,
767 1953, on March 20, Friday, 1953.

In the month of March, Friday, was pay day. Yes, it is Friday all the time. In the morning, around ten o'clock I had the occasion to have in my possession

some money that I had counted. If I recall, there was $17,000 in bills and $168 in silver of the company money.

It was a black leather bag about so long in width.

Mr. Cooney: Indicating maybe a little over a foot and one-half, for the record.

Q. Where were you going with this bag of money,
768 around eleven o'clock?

A. We have booths in our Plant Cafeteria where we cash checks for employees and cash them at that time.

Q. Had that been your habit and custom to cash checks on Friday at the Cafeteria?

A. Yes.

Q. How long had that been your custom and habit?

Mr. Lee: I object to how long, Judge. How long is immaterial.

The Court: I think it is immaterial.

Mr. Cooney: It shows knowledge, Judge.

The Court: The question is what it was that day, I think.

Mr. Cooney: Well, was it a regular routine you had followed for a period of time?

A. That the Company had followed, yes, sir.

Q. Was that the routine you followed on Friday, March 20, 1953?

Mr. Lee: Object to the question. We are interested in one day only.

The Court: I will overrule the objection. I will let him answer.

769 Mr. Cooney: What had been the routine prior to the date in question?

A. It was, provided the employees could cash their

paychecks on Friday at 11 o'clock in our Company Cafeteria.

Mr. Cooney: Could I have you step down a moment, sir, from the witness stand. (Witness complies)

Q. In what building is your cafeteria located—you may look up here. In what building is your cafeteria located?

A. In Building G.

Q. Where is your office, what building, sir?

A. Building D, mainly.

Mr. Cooney: Could you come down here for a moment? I don't know if you could see it. Will you point here—first of all, you are familiar with this map? You have seen it before?

A. Yes.

Q. And it represents the Libby, McNeill and Libby Plant, you know that? Could you point where the office is located?

A. This is our office building.

Q. Where is the cafeteria located?

A. Over in here. (Indicating)

Q. What manner, how did you get over to Build-
770 ing G when you would go over to cash those checks, what route would you take?

A. Up in here, across here, up a flight of stairs—

The Witness: My office is located on the 3rd floor of Building D. As we go through this corridor we are on the 5th floor of Building E.

Q. Is that on the 2nd floor?

A. Yes.

Q. From Building E you kept going—

A. Up one flight.

Mr. Cooney: You may resume the stand.

The Witness: On this occasion, March 20, 1953 I took this bag of money and went across the office of Building D, left the office, into the vestibule of Build-
771 ing A. I was followed by our Plant Guard. That was Officer Rusch. Before we left Building D, Martin Carlson, our Credit Union Man joined us.

Mr. Cooney: You may stand where you are and if I can figure this out a little bit—excuse me—I don't know if they all can see that. Mrs. Barrington, can you see this?

The Juror: Yes.

Mr. Cooney: You are familiar with this chart, People's Exhibit 1 in evidence?

Mr. Lee: I am going to object right now. The remark by the State's Attorney. He called the juror by name, which is out of order.

The Court: I don't know that it is anything out of order, if he remembers it. I remember the names of some of them.

Mr. Lee: I remember them, too.

Mr. Cooney: I didn't want to say "You."

772 The Witness: Yes, I have seen People's Exhibit 1 before. I know that the top of the map is north. I am familiar with Building D marked on this map; this represents a hallway in Building D.

Mr. Cooney: On this plat you see the point at which you met Mr. Carlson?

Mr. Lee: Objected to as leading.

The Court: No, there is evidence that he did meet Mr. Carlson. I think it isn't leading to ask where he met him. Overruled.

Mr. Cooney: Can you see on this map where you met Mr. Carlson?

A. Yes, sir.

Q. Do you want to use this? (Indicating pointer)

A. If I may. It was approximately at this corner where we turn the corner.

773 The Witness: Mr. Carlson stepped up ahead of me. I followed and Officer Rusch behind me. That is west. These are wooden doors with glass in them. Turned at this point, went through swinging steel doors into our Plant Building. That would be in Building E on the 5th floor, and from there I proceed right across in a direct line with the doors to these stairs; leading to the 6th floor of Building E. Yes, I started up the stairs. Mr. Carlson was ahead of me at this time. I went up these stairs to this landing.

774 turned and started up the stairway leading to the 6th floor.

At that point I first directed my attention that there was a bandit standing on the stairs, a masked fellow with what appeared to be a sawed off shotgun, something of a large board, pointing it at me and demanding I give him the bag. At that point I gave the man the bag. Yes, it was the bag that had the money of Libby, McNeill and Libby Company; the money that was in my care, custody and control.

Mr. Cooney: You may be seated again, please.

Q. Now, the man you gave the bag to, can you describe what he was wearing?

A. Very meagerly. He was dressed, had a hat with a blue mask draped down, resting on his shoulders, and a brown textured topcoat.

The Witness: The first time I noticed it he had that sawed off shotgun pointing at me. Yes, he had a hood on.

775 After I gave him the bag of money I stood there. He did not say anything further. He opened the

satchel. We had a wooden tray resting on top of the money, which we used to bring cancelled checks in. He lifted this tray to see if there was any more, and he disappeared down the stairs.

He was on the stairway going from Building E, he went back down the 5th floor of Building E, disappeared down the stairway toward the 4th floor.

Q. Can you indicate on this plat the manner in which he left you after receiving the bag?

A. He was standing somewhere about this point on this stairway. After examining it he closed the bag and dashed heartily down these stairs across here, and disappeared down the stairs toward the 4th floor.

776 He appeared to be a short man, I could not give you his height in feet or inches, because of our position on the stairway. I had the impression of a short man.

I was ordered to come back down the stairs by one of the hold-up men standing in the vestibule with a revolver in his hand and ordered me to come back down the stairs, which I did. When I got down, he directed me into the Cooler Room, through those double doors on the way into the main part of the building.

The man with the revolver who directed me into the Cooler room, he was a man about my height, dressed in dark clothes, with a coat similar to the other one; he had a gray fuzzy type of hat, a fedora hat. I would call it, with a short barrel shiny revolver. I

777 am 5-10.

The Court: What kind of revolver did you say he had?

A. A shiny nickel plated. I would describe it, your Honor.

The Witness: I would say it was a dark topcoat. I had the impression a dark blue or black. It was topcoat length, full length. The color of the hood was blue.

Q. I show you what has been marked People's Exhibit 7 for identification and ask you to look at it and ask you if this looks like or is similar to the hood you saw of this man with the shiny revolver on March 20, 1953?

Mr. Lee: If the Court please—

The Court: Any objection?

Mr. Lee: Yes, to the question.

The Court: What's the reason for your objection?

778 Mr. Lee: It looks like or resembles.

The Court: What's wrong with the question?

Mr. Lee: It either is or isn't.

Mr. Cooney: I don't think anybody can say it is or isn't. If he knows it looks like that, that's all I am asking at this point. I am not offering it in evidence.

The Court: Overruled. He may answer.

The Witness: I would say that about the color and length of the hood that the bandit, both bandits wore, that I viewed.

Mr. Cooney: I show you now, sir, what has been marked People's Exhibit 8 for identification, being a nickel plated .32 caliber double action Hopkins and Allen Revolver and ask you, sir, to take a look at it.

Does that look like the revolver this man held in his hand on March 20, 1953?

A. The revolver I saw was a shiny, short barrelled gun of about that, as near as I can say, sir.

Mr. Cooney: We will consider this hat marked for identification, being a gray fuzzy hat.

Q. I will ask you to look at this hat; does that look
779 like the hat as far as color and material that you saw on this man on March 20, 1953?

A. Yes, sir, that's about the color and texture of material.

After I was ordered down the stairs and into the Cooler by this man I described, I went through the double set of doors into the main room in Building E. We call it the Cooler.

Q. Where in that Cooler Room did you go?

A. May I indicate?

Q. Yes.

A. Around these doors. There were two people already at this point.

The Witness: The two people I recognized were Gerry Henriksen and Marie Zutko, two of our office employees. I passed around them and went a little distance away, somewhere along in here and there I was instructed—the whole period of time I was in
780 there, perhaps two or three minutes. It would be hard to judge.

Martin Carlson was ahead of me as we came in and Fred Rusch was behind me. We were ordered in, Rusch, myself, and Carlson. The first thing that I recalled happened after we were placed in the room, the bandit ordered us to get on our knees. Yes, we did.

The next I heard the bandit say to Mr. Rusch, who was to my left, "Give me your gun." Mr. Rusch said, "Here it is, take it." And as I glanced I could see him lift his arm and I could see the bandit lean over him, his arms moving. After a few seconds, a short inter-

val of time, there were steps heard on the stairs of someone rushing, walking rapidly, at least, up or down. I am referring to this flight of stairs of Building E.

781 Mr. Cooney: For the record, the stairs going up to Building E, Floor 6, is that right?

A. I cannot testify whether they were up or below us.

The Witness: The bandit inquired, "Who can that be?" And after a short pause, Officer Rusch answered, "I don't know, it must be one of your men."

After another short pause, I was conscious of this man walking to the door and shouting to someone to "Get out of here." And at that time I heard one shot that I can verify. There may have been others, I would not be sure.

Q. The man you say walked out and said, "Get out of here," was this the same man who had ordered you into the Cooler Room?

A. I think there was only one of the hold-up men that was in the room during the time I was in there.

Q. Was this the man in the blue coat?

A. That was the man who ordered me downstairs.

782 The Witness: About that time, a few seconds later, I could hear him strike the people who were kneeling on my left, and hear bodies falling over. No, I did not see what he was striking them with. I was struck at my turn across the back of the scalp. (Witness indicates) I was struck the second time on my arm. When I was struck the first time, I blacked out and fell over on my right side. I could hear him

783 still striking people and I threw my arm up involuntarily to protect my head and the second time I was struck across the wrist.

I received treatment for the wounds. I walked out to our First Aid Room or Doctor's Office and received emergency treatment there, a little patch and some cleaning up, and then I was taken by ambulance to the—I am trying to recall the hospital—Evangelical Hospital. The wound was cleaned and sutured and my scalp and wrists were X-rayed. Six stitches were taken in the scalp. I was in another hospital until Sunday afternoon.

Q. I am going to ask you to look at People's Exhibit 10 marked for identification; now, do you know
784 what that represents, that picture?

A. Yes.

Q. What?

A. That's the vestibule of Building E, 5th Floor. This shows the stairs leading up to the 6th Floor. The door opened up to the right into the Cooler.

Q. Does thas picture as it is portrayed there, does that show the stairway on which you handed this bag of money to the masked man?

Mr. Lee: Object to the question. There is no need of such leading.

The Court: Overruled.

The Witness: That shows the underside of the stairway I was on, going up.

Mr. Cooney: Now, sir, I want to call your attention to what looks like a cardboard sign marked "No Exit" and ask you to look at it; with the exception of the cardboard sign, does that picture truly and correctly portray the portion of the landing on the 5th Floor of Building E as you saw it on March 20, 1953?

A. Yes, sir.

785 Mr. Cooney: At this time I offer in evidence People's Exhibit 10 for identification, being a picture, and ask it be received in evidence as People's Exhibit 10.

Mr. Lee: It is objected to, Judge.

The Court: May I see it?

Mr. Lee: The objection is that it is no assistance to the Jury in determining the issues. It isn't necessary.

The Court: If that is the only reason, it may be received in evidence as People's Exhibit 10.

(Which said picture, marked People's Exhibit 10 for identification was received in evidence.)

786 Mr. Cooney: Will you step down from the stand a moment? (Witness complies)

Q. Can you point out on People's Exhibit 10 the stairs you started up toward the 6th Floor?

A. Yes, across the room this way. (Indicating)

Mr. Lee: I object to the demonstration in front of the Jury, if the Court please.

The Court: Overruled.

The Witness: Walk up these stairs.

Mr. Lee: The demonstration with People's Exhibit 10.

The Court: Overruled.

The Witness: Walked up these stairs to this landing, turned and started to proceed up the stairs to the 6th Floor.

Mr. Cooney: Where was the man standing that gave you this bag to, the man in the blue topcoat?

Mr. Lee: Object to the leading question, Judge.

The Court: Overruled.

The Witness: He was standing on the stairway leading to the landing. He hadn't reached the landing as yet.

Mr. Cooney: You may take the stand.

787 *Cross Examination by Mr. Lee.*

The Witness: Yes, the hat, Exhibit 9, I just saw, resembles the hat I saw that day.

Q. And you have seen thousands and thousands of that kind of hat in your time, haven't you?

A. A good many.

Q. And you have also seen a good many pistols of this kind.

A. Very few.

Q. But it merely resembles the one. You are not certain this is the one, are you?

A. The specific one, no sir.

Q. It looks like it.

A. Yes.

Q. That's right. Now, when you were in the Cooler and received the blow, you heard noises of the striking of other persons, didn't you?

A. Before I was struck, yes.

Q. And at the time you were struck, you could not see the person who was doing the striking.

A. No, sir.

The Witness: Yes, I was in this building yesterday afternoon. Yes, I read a transcript of the testimony
788 I had previously given for the purpose of refreshing my recollection.

Q. Because of the lapse of time, you wanted to have your memory refreshed slightly at least, isn't that right?

A. That's right, sir.

The Witness: No, I did not read the transcript of my prior testimony again this morning—just yesterday. Yes, when I came here yesterday, I came with other employees of Libby, McNeill and Libby. I came with Mr. Henriksen. No, I drove alone this morning.

Yesterday when I talked to the Assistant State's Attorney on the 2nd floor, I looked at that chart.

789 Mr. Lee: Indicating People's Exhibit 1, and you also looked at People's Exhibit 2 yesterday.

A. Yes, sir.

The Witness: When I was in the Cooler Room, prior to being struck, my face was to the wall.

Q. And you could not, you did not see what was going on to your left or right or in back of you.

A. In back, I did not see, right.

Q. You did not see the person who was striking the blows?

A. No, sir, just a figure.

The Witness: I could see the figure by glancing to my left and right. There was one bandit ordered us in and stayed with us during the time until I was slugged.

Mr. Rusch was behind me as I was coming from my
790 office to Building E. Mr. Carlson was ahead of me. Mr. Carlson was in the lead to the top of the landing. I passed Mr. Carlson on the landing between the 5th the 6th floors of Building E. At that time two persons were behind me, one being Mr. Rusch, and the other being Mr. Carlson.

Q. And on the stairway, which one was closer to you, Mr. Rusch or Mr. Carlson?

A. I have only a vague recollection of the position of anyone except the two armed men at that point. I have an opinion, but I don't know if you want it.

791 The Witness: I don't remember where they were. Yes, then I went back down the stairs—I was ordered down the stairs. Yes, at the point of a pistol—he was waving it. We were ordered down. I don't remember the words.

Mr. Carlson entered the room ahead of me. Yes, I must have passed Mr. Rusch on the way.

Q. Do you know for a fact if you did pass Mr. Rusch?

A. I don't know where he was standing when I went into the Cooler. As we came down the stairs—

Q. Was there anything else in the Cooler Room at the time? Were there any goods and wares stored in the Cooler Room on that date?

792 A. I would not be clear as to what was in this room.

The Witness: It was used for storage of goods, for storage of canned goods.

I heard words between the assailant or bandit, and Mr. Rusch. I would say the bandit spoke calmly enough. It seems to me I heard them. I also heard Mr. Rusch's words. The first words after entering the Cooler Room were Rusch's reply to his demand to give him his gun.

Q. And that reply of Mr. Rusch's was?

A. "Here it is, take it," as I recall it.

793 The Witness: I have no recollection that the masked fellow demanded more than once, or that Mr. Rusch responded immediately. I recall Mr. Rusch's words: "Here it is, take it." Then I could see him lifting

his left arm. There was no hesitancy I noted on the part of Rusch to surrender the gun. Yes, his response was immediate, just conversation; a question and a reply. Perhaps two or three seconds. That exchange of words took place in the Cooler Room of Building E while we were on our knees.

Mr. Carlson was in the Cooler Room before me.
794 Mr. Rusch was in back of me. No, not right in back, I did not see him until he joined me in the Cooler, on my left side.

Q. When you read that transcript yesterday afternoon, you read from a bound book such as I hold in my hand?

A. No, sir, a small clip of paper, which purported to be my testimony only.

Q. Confined entirely to you?

A. Yes, sir.

Q. Which one of these gentlemen on this side of the table, Mr. Cooney or Mr. McGovern gave it to you?

A. They were both in the room at different times. I believe Mr. Cooney handed me the paper.

The Witness: I saw the hands of the masked man to whom I gave the bag. He was wearing what I took to be rubber gloves.

Q. Did you see the hands of the second masked man that you talked about?

A. With the revolver? I haven't any recollection
795 of seeing them.

The Witness: Yes, I testified at the Coroner's Inquest. I appeared at one. I also testified in this Court Building subsequently.

(Whereupon a short recess was taken)

Mr. Lee: May I proceed, your Honor?

The Court: Yes, go ahead.

796 The Witness: Yes, I saw gloves on one of the men, the man to whom I handed the bag. And the man to whom I handed the bag then ran down the stairs. He ran ahead of me, he was on the stairs below me to begin with.

Q. Did you notice—you say you did not notice the hands of any other men.

A. No, sir.

Q. You testified at a Coroner's Inquest, didn't you?

A. Yes.

Q. That was a long time back, on or about the 21st of March, 1953, it would be about that time.

A. Very nearly that.

Q. At that time you were asked this question by an Assistant State's Attorney named Bloch:

"Mr. Bloch: Q. Did they wear rubber gloves; could you tell or did you notice?

A. I couldn't vouch for sure."

797 You were asked that question and you did make that answer at that time.

A. I couldn't answer that from memory, sir. I would have to rely on the record.

Q. If it is recorded here as a question asked of you, and that is your answer, you probably did say it?

A. Oh, yes, I would say so, sir.

Q. So, would you say now, positively that the first man you saw did wear rubber gloves?

A. Yes, sir.

The Witness: Yes, I must have meant all of the men when I said "they."

Q. In other words, all the men at that time, you don't know whether they wore rubber gloves or not.

A. I believe that's what was stated.

Q. At the Coroner's Hearing you made a statement as follows, in response to a question.

"There were hurried movements and some of
798 them disappeared down the stairs, I don't know how many."

You did make that statement, didn't you?

Mr. Cooney: Might we have the question that was asked and the answer made? I don't know what the rest of the question is.

The Court: Yes.

Mr. Lee: The question was asked by the Coroner, Deputy Coroner Jack Przybylinski, Deputy Coroner of Cook County, March 21, 1953, at 11:00 AM

Mr. McGovern: May I interrupt? I think this gentleman was in the hospital on that date. It might have been a later date.

Mr. Lee: Give me some help. I appreciate it.

Mr. McGovern: I don't know the date.

Mr. Lee: I am only going by what I read here. I will stick to that date, according to this record, irrespective of the date here, March 21, 1953 or a subsequent date, questioned by the Deputy Coroner:

"Did some something unusual occur on that date, Mr. Baker?

A. Yes, sir.

Q. Suppose you tell in your own words, tell the Jury and tell the Coroner here just what took
799 place, and you also keep in mind the date and time and location, please.

A. It began at about nine o'clock when I was asked to assist with the cashing of the Plant payroll because our Cashier's assistant was absent. I accepted the post and about 10:30 went into

the Cashier's cage and counted out the funds, something over $17,000.00 and waited for the eleven o'clock time to arrive. About eleven o'clock our guard appeared to take myself and the Credit Union Man to the Cafeteria where we normally cash checks. Due to something or other we were delayed about 5 minutes, but left there about 5 minutes after eleven. We proceeded past the Credit Union Desk and were joined by Carlson, the Credit Union man, on our way to the Plant Cafeteria.

As we passed through the corridor to go up the stairway to the next floor where the Cafeteria is located, I was attracted by a scuffle before me.
800 I kept right on moving, thinking at the time that it probably was a fight of some nature and I had the payroll so I kept going.

I came to the stairs leading half way up and turned and proceeding to the next floor when this scuffling and talking which I did not exactly comprehend attracted my attention and I turned, and to my left was one of the hooded men with what appeared to a sawed off shot gun, something with a large barrel, something about a foot and a half away from me, and he demanded the bag I was carrying, so I released it to him and told him to take it.

There were hurried movements and some of them disappeared down the stairs, I don't know how many."

That question was asked you and you did make that answer, didn't you, Mr. Baker?

A. Yes, I would accept it as being correct.

Q. If it is so recorded here, it is correct, isn't it, Mr. Baker?

A. Yes.

Q. Would you say you don't know how many men ran down the stairs?

801 A. No, I would not want to state how many. I testified that the man I handed the bag to disappeared.

Q. And all in all you don't know how many wrongdoers were present?

A. No, sir, I could not say.

Q. And you don't know how many ran down the stairs?

A. No, sir.

Q. How many pistol shots did you hear, Mr. Baker?

A. I am conscious of only one. I have stated one or more. I could not say.

The Witness: I had been connected with the Libby, McNeill and Libby Company for thirty-one years. I had no knowledge that rubber gloves were used by employees of Libby, McNeill and Libby. I had nothing to do with the Chicago plant, sir. I cannot say that I have seen the employees working in the plant. I am in the office. I am never in the plant and have not 802 been in there for years.

No, I don't know anything about the kind of clothing the men wear when they are at work. I know nothing about the Chicago plant.

No, I am not Personnel Manager. I am an Assistant in that Department. I have no other position.

The Personnel Department does not control the movement of funds as I did on that day. The Personnel and Treasury Department is under the same officer and we are sitting next to the cage, so we frequently assist each other.

Q. The route you were talking about which you said was customarily taken, had not been taken by you very often on this particular mission.

A. During the war I proposed we should, when we were—

Mr. Lee: No, Mr. Baker.

The Witness: Yes, many times.

803 Mr. Lee: The answer could have been answered "yes" or "no".

A. Yes, I have assisted many times in this procedure of cashing checks.

The Witness: I have also many times carried the money. I have done the job I would say one hundred times, but I had not been doing it for sometime. One hundred times in my career—covering the long span of years.

Q. So, over the spread of years, it would amount to about two or three times a year.

A. No, to be specific, during certain years I did it regularly, and for a year or so, making up perhaps one hundred such trips, and then I was off the job and was called in this day because of the absence of an employee.

Q. Who was absent?

804 A. I don't recall his name at this moment. He isn't with us any longer.

My superior in the Personnel Department is John B. Iglehart. Yes, he was there that day.

Q. Where was the fellow the first time you saw the masked man that was wearing this headgear?

A. Wearing similar headgear was at the bottom of the stairs in this hallway marked, "Hall," there.

The Witness: There no windows there. There is artificial lighting. Light in this court room.

Q. You call that hat a fedora, don't you?

A. Yes, that is what I speak of as a fedora.

805 Q. Now, I ask you if you testified in a prior hearing under this indictment No. 53-672 involving—

Mr. Cooney: Do you want the names of the people?

Mr. Lee: The named defendants involved, besides the named defendant here, Paul Crump, whom you have seen before in a court room—Eugene Taylor, David Taylor, Harold Riggins and Hudson Tillman, at a prior hearing. You were asked this question which I am about to read and you made this answer which I am going to read, and the person who asked the question was Mr. Bloch:

"Q. Where was that man?

A. Right about here on the stairway, on the stairs. I handed him the box and he motioned me to come downstairs which I did, and the man had on a long coat, brown coat and a fedora, brown fedora hat.

Q. When you say the man had a brown hat and brown coat, which man are you speaking about?

A. The man that was standing on the stairway here."

You were asked those questions and you made those answers?

806 Mr. Cooney: Object. That's exactly what he said here, Judge.

The Court: Overruled.

The Witness: I accept that as correct. You are reading it, sir. Yes, sir.

Mr. Lee: Q. And you are positive as to the color of the coat?

A. What man, to whom I gave the bag?

Q. Yes.

A. Yes, brown in color.

Q. And there was no other person you saw wearing a coat likewise, was there?

A. No, sir, not that I am conscious of, sir.

Q. Well, did one of the other fellows that you saw in the cooler wear a coat, a topcoat?

A. Yes, there was one fellow only that I saw in the cooler, he wore a topcoat, sir.

Q. What kind of coat did he have on?

A. A dark one.

Q. Do you know the color?

A. Blue to black, plain.

Q. Did you give a description of the clothing to those men to the police later?

A. I don't recall. I recall the questioning. I don't
807 recall.

The Witness: Yes, I left the grounds immediately that day—very shortly. No I did not get back to the premises that day.

I have not seen the black bag in which I carried the money since that day, March 20, 1953. I never saw it again.

Q. Did you see any of the money that was taken?

A. I could not identify it as the money.

Q. Did you see wrappers in which the money had been wrapped?

A. I saw similar wrappers and similar dates.

Q. Which led you to the conclusion that the wrappers were the same wrappers in which the money was wrapped?

808 A. No, I didn't so conclude.

Q. There was money recovered.

A. Yes.

The Witness: I saw that money. I don't know what became of the money. The rightful owner of the money that I carried was Libby, McNeill & Libby, a corporation organized under the laws of the State of Maine.

Q. A corporation that does business throughout
809 the world.

Mr. Cooney: Object to that, Judge. The issue is the murder of Mr. Zukowski, not what the corporation is.

The Court: Sustained.

Q. And this chart here contains representations of Libby, McNeill Building, doesn't it?

A. The office building is shown there, which I am familiar with, and some of the others.

The Witness: Yes, I am sufficiently familiar with the chart to answer a question about it without coming over here, parts of that. I am not familiar with all that property, sir.

No, it is not one entire building.

Q. In other words, what I want to know is this, why do they call one building, Building D and Building E and etc. when it is apparently one building.

A. I cannot answer.

810 The Witness: I have not seen additions made to the building from time to time. Only remodeling. The building as it stands now has stood as far back as my memory goes.

Q. And the building is about five stories high?

A. It varies considerable, whether its warehouse or office, three to six, possibly more. I don't know the height of Building E.

The Witness: It is about three block from Ashland Avenue. I have no numbers to go by. I think it is nearer Ashland than Halsted.

Q. Well, those north and south thorough fares, for instance, Loomis Street, a public thoroughfare of the City of Chicago and State of Illinois, as a public thoroughfare, does that extend all the way into the stockyards?

811 A. I am not qualified to answer, sir. I don't think it is public. It's private property as far as my knowledge goes on it.

Q. There are gates on all those public ways that meet at the stockyards.

A. There are gates on many of them. I would not swear to all of them.

Q. And vehicles wanting admission into the stockyards have to go through the gates, at which there are guards posted.

Mr. Cooney: Object to the form of the question as being triple in form, requiring several answers.

The Court: Ask one question at a time.

Mr Lee: Q. There are guards posted at the gates?

A. To my knowledge, not during the daytime. At night hours, yes.

Q. There is a mark on that chart, a letter P, and there was testimony here, Mr. Baker, yesterday that the letter P had been copied from a Libby, McNeill and Libby map and I ask you now if you remember seeing a letter P on the chart when you previously
812 examined it. Did you see the letter P?

A. Seeing a letter P on this chart.

Q. Yes.

A. I have no recollection of anything.

Mr. Lee: May I ask you, Mr. Baker, to come down and look at the chart and see if you see the letter P.

Mr. Cooney: Judge, I am going to object to this. The witness testified as to one particular part of this chart. He isn't an expert. He did not draw it.

The Court: If I knew what counsel had in mind in trying to find out what "P" means, I would sustain the objection, but I will let him answer.

The Witness: I see it there now. I don't know what it means.

Mr. Lee: Alright, Mr. Baker. Will you go back to your seat please. You have seen the chart many times prior to today, haven't you?

A. Yes, several times.

Mr. Lee: There is nothing further from this witness.

The Court: I think we will adjourn for lunch until 1:30.

(Whereupon a recess was taken until 1:30 P.M., same date, Thursday, December 8, 1955.)

813 Indictment No. 53-672.

Before Judge Elmer N. Holmgren and a Jury.

Court convened pursuant to recess 1:30 P. M. Thursday, December 8, 1955.

The following proceedings were had outside the hearing and presence of the jury.

(Whereupon Mr. Lee objected to the array of exhibits on the podium in front of the Jury.)

The Court: As long as there is an objection, the exhibits you need may be put there, but they cannot be kept there during the course of the trial.

814 The jury is brought into open court and the following proceedings was had in their hearing and in their presence:

MARTIN CARLSON, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Martin Carlson. I live at 2813 East 77th Place. I work at Libby, McNeill and Libby. I have worked there for 41 years. My job is Treasurer of the Libby Employees Credit Union. I was the Treasurer of the Employees Union on March 20, 1953.

815 On that date I had in my custody $3150.33 of the employees union. It was in a box.

Around eleven o'clock in the morning of that day I was going to the plant cafeteria with that particular box of money. I had done that on Friday, every Friday. I had always taken the same route. Always somebody with me. That somebody would be whoever was cashing checks from the Cashier's Department or Personnel Department, and a plant guard.

Q. On that date, sir, did you have occasion to meet anybody or any guard as you were going over to the cafeteria with this money you speak of?

A. I met Mr. Baker and Mr. Rusch.

Q. Would you look at this chart here. You are familiar with it—(indicating People's Exhibit 1). Can you show on this chart, People's Exhibit 1, where you met these two gentlemen you mentioned? Where were you when you met these two men?

A. I was over here and I met Mr. Baker and Mr. Rusch right at this point.

Q. And that is in the hallway someplace in Building D?

Q. Just at the beginning of the hallway there.

817 We proceeded this way here, west in this building here, through these two doors here and then we went this way to another set of doors and into this vestibule.

Q. You are indicating a hallway marked Building D on the fifth floor, is that correct, sir?

A. That is this here. (Indicating)

The Witness: I am on the fifth floor now of Building E in the hallway. From here we proceeded up the stairs to the sixth floor of Building E.

I was in front. I had the metal box. I went up as far as the landing here. I heard a commotion and

818 I turned around. I saw two men standing at the stairs here. They were two masked men. They had dark masks. I don't know whether blue or black. I saw a sawed off shotgun in the hand of one of the men. They held out their hands and I immediately gave them my metal box.

Mr. Baker was up on the stairs here and at the same time he was handing the bag down to one of the men. I handed the box to one of the men down there. Then I was motioned down these stairs and down through here into this Cooler here.

Q. Before you went into the Cooler, did you see another man, or did you see Officer Rusch?

A. I happened to glance out of my eye and coming

819 right here I seen Rusch, right here. (Indicating)

The Witness: There was somebody in front of him.

I went down through here to the bottom of the stairs here and turned to the left here and into the Cooler, and was motioned for over here to get down on my hands and knees, which I did.

Q. Do you know who motioned you, what he was wearing or anything like that?

A. No. I don't.

Q. You were indicating you were against the wall of the Cooler, is that right?

A. Yes, that's right.

Q. Was anybody else in that room at that point?

A. I did not see anybody at that time.

The Witness: Then I got down on my hands and knees and I could hear somebody getting hit on the head next to me and I kind of glanced, and it was Mr. Baker. Yes, I saw him fall. I could not see that
820 he was wounded inside at that time. He was hit twice and then I was hit once on the back of the head.

Mr. Cooney: I think you can resume the stand, if you please.

The Witness: I was hit right on top, the back. When I was hit I fell over. I was unconscious for a just a couple of seconds.

I could feel the blood run down the back of my neck.
821 We then went some place for First Aid, and subsequently to the hospital.

Q. Can you tell us what kind of clothing the man was wearing that you handed this box to?

A. He was wearing a brown coat and he had a Brown Fedora Hat.

The Witness: No, I can't tell you what any of the other hooded men were wearing, such as topcoats or hats.

Yes, this People's Exhibit 7 for identification resembles as so far as shape or color of the hood that I saw on that day. Yes, I have seen People's Exhibit 11 for identification before. I saw it on March 20th. It was in my possession.

822 At the time I gave it to the masked man in the brown coat it was not in that condition. It is now smashed.

Q. Maybe you could step down and show this Jury where it is smashed.

A. Smashed in here. (Indicating to the Jury)

Q. This is the box you had in your possession, is it?

A. That's right.

Mr. Lee: Indicating 11?

Mr. Cooney: Yes, sir.

823 The Witness: I was in the hospital from Monday, or from Friday noon until Monday noon. I was treated for head wounds, bandaged and in bed all that time.

When I was struck I was on my knees. I was facing the wall.

At the time I gave this People's Exhibit 11 for identification to this man, this masked man, it was locked.

824 *Cross Examination by Mr. Lee.*

Yes, I have had People's Exhibit 7 in my hands before.

Q. You have examined it fairly well indicating Exhibit 7, and you saw a hooded figure there wearing a hood, is that right?

A. A dark hood.

The Witness: Of that material, as near as I can remember. Yes, I have examined it before. I recall

825 fairly well seeing one of this kind on the masked fellow. There are two slits for the eyes; none that I know of for the mouth.

Mr. Rusch was at the place I indicated a moment ago, over in this hall I pointed out to the jurors, that he was in the hall here. I saw a person with him; in front of him. I wouldn't know if that person had on a hood. He had his back toward me. I don't know how many persons were there with hoods.

Q. Did you hear any words exchanged between Mr. Rusch and any one of those bandits, so called?

A. No, just in the Cooler there "Give me your gun." That's all. That's the only thing I heard.

826 "Give me your gun." All I could hear Mr. Rusch say was, "Take it." I heard the words, "Give me your gun." only once. Mr. Rusch was quite a ways from me. Yes, he was within hearing.

I heard one shot. That was before the exchange of words between Mr. Rusch and the person we are talking about. No, I did not hear any more shots later on.

The money was in this box, Exhibit 11, in bills and change—singles, fives, tens, and twenties, and some change.

827 I did not see the money that was in the box subsequent to March 20th. That's right, the money belonged to my Union.

There are 700 members of the Union, three-fourths of the members are employees of Libby, McNeill and Libby. Included are office workers and plant workers.

Yes, at one time I worked in the plant. I am familiar with most of the departments of the plant.

828 I did not pay any attention to what was on the hands

of the masked man that I saw. I don't recall anything on his hands.

Some of the employees of Libby, McNeill and Libby Company wear gloves while they are working. The gloves are not an issue of the company. The employees who wear them buy them themselves. Some do wear rubber gloves, yes. That's right, the rubber gloves that they wear are this kind of reddish glove we are familiar with, a product of Walgreen Drug Stores or a hardware store or stores of that kind.

829 I returned to my position on the 30th. I was away ten days. In that interval, from the 20th to the 30th, I came to the State's Attorney's Office. I was here on March 26, 1953.

Q. You were on the 2nd floor of this building, Mr. Carlson?

A. That's right, yes, 2nd floor, yes.

Q. And when you were on the 2nd floor you were in a group of Libby, McNeill and Libby employees.

Mr. McGovern: I object to this, Judge, beyond the scope of direct.

The Court: There was nothing brought out on direct examination beyond the fact that the witness went to the hospital. I will sustain the objection.

830 The Witness: There is a Police Department at the Libby, McNeill and Libby Plant. Mr. Rusch was an employee of that department and he still is. They are called Plant Guards and not Police. They are not police of the City of Chicago. That's right, they are on private property.

Q. Can you recall how many voices you heard on that day that were the voices of strangers?

A. I did not hear any.

Q. You did not hear any?

A. No.

Q. You heard the one voice that exchanged words with Mr. Rusch?

A. That's right.

Q. But no other?

A. That's right.

Mr. Lee: Nothing further, Mr. Carlson.

Mr. Cooney: Thank you, sir.

(Witness Excused)

Mr. Cooney: Will you call Mr. Rusch and have Mr. Schilbe standing by.

831 THEODORE FRED RUSCH, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Theodore Fred Rusch. I live at 5933 South Parnell Avenue. I am a Plant Guard at Libby, McNeill and Libby in the Stockyards. I have been with Libby, McNeill and Libby for 25 years. I was with them on March 20, 1953.

Q. Is that the regular uniform of the Libby, McNeill and Libby guards?

A. Yes, sir.

Mr. Cooney: Could you stand up, please? (Witness complies)

Mr. Cooney: For the record, it is a blue, dark blue
832 coat, brass buttons, silver star worn over the left breast, insignia on the left arm. What does that insignia say?

A. Red Cross, First Aid.

The Witness: No, I have no insignia on the other side. The color of my trousers are the same as the jacket. No, there is no stripe on the trousers.

On March 20, 1953, that was the regulation uniform of the Libby, McNeill and Libby guards.

On that date I had occasion to accompany a man by the name of Mr. Baker and a Mr. Carlson when they had money. I met Mr. Baker first at about 3 minutes after eleven. I went with Mr. Baker from his desk to the desk of Mr. Carlson.

833 When I met Mr. Baker he had a bag of money. When I met Mr. Carlson, he had a box of money.

Q. When you met these two men, and let me refer to the plat here; have you seen this, have you?

A. Yes.

Q. Does it show on this particular plat where you met Mr. Carlson?

A. Approximately, yes.

Q. Would you point it out, please?

A. Right here. (Indicating on plat)

Q. Did you then go with these men down this hallway?

A. We followed this route.

Q. And you went through these doors?

A. These doors (Indicating on plat)

Q. Did you enter these doors?

A. They went through these doors.

Mr. Cooney: You may be seated again, sir.

Q. Were you in front of them or behind them?

A. I was in the rear.

Q. How far in the rear?

834 A. I judge about approximately from where I am sitting to where you are standing right now.

Q. A distance approximately fifteen feet?

A. About ten, fifteen feet.

The Witness: Yes, that is the usual manner in which I would follow and accompany these men on my duties.

I was with them as they passed through the swinging doors into the hallway of Building E on the 5th Floor. I passed through the hallway or into the hallway of Building E.

As I stepped through the iron doors into the vestibule of Building E, hall as it is marked on the map, a hooded figure came toward me and struck me on the head.

Q. What did he strike you with, if you know?

A. Right above the left ear.

Q. Can you point on your body where you were struck?

A. Right here. (Indicating)

835 Mr. Cooney: On the head, a couple inches above the left ear, for the record.

The Witness: It seemed to me that I was struck with a pipe about fourteen, fifteen inches long, with black tape on it.

At that point he said, "Give me your gun." The man was wearing dark clothes.

Q. When you say dark clothes, what do you mean?

A. Navy blue.

The Witness: He had a hood over his head, and a Fedora Hat. No, I do not know the color. It was a dark hood.

Q. And the hood resembled the color and shape
836 of People's Exhibit 7 for identification—let me adjust it for you, if I may—resembled this type of hood as I have indicated here?

A. Yes.

The Witness: After this man struck me as I have indicated and asked for my gun, he struck me the second time. He struck me at about practically the same spot. Yes, with this 14 or 15 inch taped metal bar.

Q. What had he said to you at this point?

A. Just "Give me the gun."

Q. How many times had he said it in the hallway there?

A. Once.

The Witness: After that he either pushed or dragged
837 me into the building where it is marked "Cooler." There were three or four people in there. They were Marie Zutko, Gerry Henriksen, Charles Baker, and Martin Carlson. They were already in there when I got there.

Q. When you got in there, what did this man say or do to you?

A. He said, "Give me your gun, give me your gun."

Q. How many times did he say it in the Cooler?

A. Twice.

Q. How close were you to him?

A. He was in back of me.

The Witness: I said, "Take it." I just lifted my arm. Yes, he took it. Then he struck me again. He
838 struck me on the head, right about here. (Indicating) In all, I was struck three times. The third time I had thrown my hands up and he hit me on the hands, too. The blow from striking the top of my head came down and struck me on the eye. I did not have glasses on at that time.

Q. Incidentally, what kind of gun did this hooded man take from you?

A. .38 Special Coating.

Q. Was it loaded?

A. Yes.

Q. How many bullets?

A. Six.

Q. On that date, sir, what kind of bullets did you have in your gun?

A. .38 Special, 158 Grain, Western .38 Special Lead with Copper coating, approximately 158 grains of powder.

Q. What about the cartridge cases themselves?

A. They were bright, or silver.

839 Q. Now, I show you what has been marked People's Exhibit 12 for identification, and ask you, sir, whether that resembles in size, make and in shape this bar that you were struck with on March 20, 1953?

A. Yes.

Q. And I show you now this People's Exhibit 12-A for identification, black tape and ask you if that resembles and looks like the tape that was wrapped around this bar you were struck with?

A. Yes.

The Witness: Yes, I saw a gun in the hand of the man that struck me. It was a small caliber revolver. That's about as far as I can describe it.

Q. That's about as far as you can describe it?

A. Yes.

Q. On March 26, 1953—

Mr. Lee: Before we go into that, I am objecting to the last answer.

The Court: "Did he have a revolver?" the an-
840 swer should be yes or no. The rest may go out. Did he have a revolver?

A. Yes, sir.

The Court: Now you may ask that question.

Mr. Cooney: Now, Officer—do we refer to you as Officer?

A. Plant Guard.

Q. You went to the hospital did you?

A. Yes.

Q. What hospital did you go to?

A. Presbyterian.

Q. What inquiry did you have at that time, sir?

The Witness: I had six stitches in the head and two alongside of my eye. I was off work about ten days. I was only two days in the hospital.

Yes, on March 26, 1953, I was in the State's At-
841 torney's Office, here in this building.

Q. Did you attend a show up?

A. I did.

Mr. Lee: Mr. Cooney, will you step up, please?

842-844 (Whereupon the Court, Mr. Lee, Mr. McGovern and Mr. Cooney engaged in conversation outside the presence and the hearing of the jury. Mr. Lee anticipated that a question would be asked the witness relative to the voice of a man who stated "Give me your gun." It was Mr. Lee's contention that said recording was obtained under duress and compulsion in violation of the defendant's constitutional rights by having to give evidence against himself. That the duress consisted of police officers telling him to say those words, and after some words while he was being held in

custody. Mr. Cooney informed the Court and counsel that he would withdraw the question.

845 The Court and counsel returned to the Court-room and the following proceedings were had in the presence of the Jury.)

Mr. Cooney: I will withdraw the whole question.

The Court: The jury is instructed to disregard the answer.

Mr. Lee: Now, just a minute.

Mr. Cooney: May I proceed, Judge?

Q. Getting back now to March 20th, when a man with a hood on told you on three occasions "Give me your gun, give me your gun, give me your gun." Do you know whose voice that was?

A. Not at that time, but I do now.

Q. Whose voice was it?

A. Paul Crump.

Mr. Cooney: Cross examine.

846 Mr. Lee: I am objecting to the last two questions and answers and ask they be stricken from the record.

The Court: For what reason?

Mr. Lee: It has not been shown how he knows it.

Mr. Cooney: Judge, I submit it is a question of cross examination.

The Court: Overruled.

Cross Examination by Mr. Lee.

Q. In other words you recognized the voice of Paul Crump at that time?

A. Not at that time.

Q. You recognized the voice of Paul Crump at that time?

A. Not at that time.

Q. You did not know whose voice it was at that time, did you?

A. No, sir.

The Witness: I returned to work about the 30th of March. Yes, I was in a hospital for medical treatment for my injuries. I was in Presbyterian Hospital.

847 It is on Polk and Wood.

Yes, when I went to the hospital I went in the company of other persons from Libby, McNeill and Libby Company. I left the hospital on Sunday afternoon, the 27th.

Q. When you were in the hospital, you received visits from certain persons, didn't you?

A. Yes, sir.

Q. On Friday, did you see Police of the City of Chicago Police Department at the hospital?

A. I don't recall.

Q. Did you make statements to the Police Officers of the City of Chicago Police Department after you had been hurt?

A. Yes, sir.

Mr. Cooney: Object to this.

The Court: I will let him answer. He said yes. I will let the answer stand.

Mr. Lee: You did not at any time on the 20th of March tell the Police Officers that you recognized his voice, did you?

A. No, sir.

848 Q. And you did not on March 21, 1953, tell the Police or report to anyone that you recognized his voice?

Mr. McGovern: Object to that. He might not have

had the opportunity. It's what he did, what happened here.

Mr. Lee: All right. Did you, on March 21st?

The Court: Sustained.

Mr. Lee: —tell the Police of the City of Chicago Police Department or anyone in authority that you would recognize his voice?

A. No, sir.

Mr. Cooney: Object to that, unless he is waiving his previous objection about my going into it.

Mr. Lee: I would like the last remark to be stricken from the record.

Mr. Cooney: I am stating my objection. I am stating my reason, Judge.

Mr. Lee: It should be done outside the hearing of the Jury.

Mr. Cooney: I would just as soon do it without the hearing then.

Mr. Lee: I would like—

Mr. Cooney: May I have a ruling?

849 The Court: Just a minute. I have to rule on this objection. I will overrule the objection. I will let him answer.

The Witness: No, on March 22, 1953, I did not notify the Police officers of the City of Chicago Police Department or any other authorities that I could recognize the voice of the man I saw in the Cooler.

(The same for March 24, 1953, and March 25, 1953).

Q. You did not at any time of your own volition so notify the Police or anybody else, of your own volition that—yes or no?

A. Yes, sir.

Q. Where was that?

A. At the show up on March 27th.

850 The Witness: The show up took place at Captain O'Malley's Office. He is Chief of Detectives, Chicago Police Department. I became acquainted with Captain O'Malley at the show up on the 26th of March.

When I arrived in this building on the 26th of March, I was in the company of other employees of Libby, McNeill and Libby; to be specific, Mr. Charles Baker, Mr. Martin Carlson, Mrs. Marie Zutko, and Mr. Gerry Henriksen.

Several days prior to March 26th, I had been interrogated by the Police authorities as to identification
851 that I might be able to give. No, on those prior days I did not tell anyone I would be able to identify the voice.

Q. Until this date of your arrival in this building on the 2nd floor, the Office of the State's Attorney of Cook County, is that right?

A. Correct, sir.

Q. And then you met the man whom you talked to, Captain or Chief—who did you say it was?

A. Captain O'Malley conducted the show up.

The Witness: Yes, since that time I have been on
852 the 2nd floor on many occasions. I was on the 2nd floor of this building yesterday afternoon. I spoke to Mr. McGovern and Mr. Cooney.

853 To my recollection, the show up on March 26, 1953 was in the southeast office, or corner, southeast corner of the building, on the 2nd floor. I did not see a lock-up there. I saw the Assistant State's Attorneys there. I also saw Policemen there.

Q. And by virtue of your experience as a guard

and your position in police work, you knew at that time that you were in the Office of the Police.

A. Yes, sir.

Q. And you knew at that time that the man in charge there was Captain—what's his name? By the way, was he a Lieutenant or Captain?

A. He was a Lieutenant at that time.

Q. You knew that Lt. Olson was in charge, didn't you?

A. Yes.

The other man I saw there was Captain O'Malley. I know Captain O'Malley when I see him.

854 Q. And had you seen Captain O'Malley before that day?

A. Only in pictures.

Q. Where were the pictures you saw?

A. Newspapers.

I had spoken to Captain O'Malley's office at that time in the Detective Bureau. Prior to my becoming acquainted with Captain O'Malley I had had conversations with other police of the Detective Bureau.

Q. Give me the names of those police with whom you had a conversation prior to your meeting with Captain O'Malley.

A. Officer Walsh.

Mr. Lee: Who else?

A. Another police officer, we called him Rock. I don't remember his correct name.

855 Q. Now, when you were introduced to Captain O'Malley, who was present besides you and Captain O'Malley?

A. I wasn't introduced to Captain O'Malley.

Mr. Lee: Well, you met him.

Mr. Cooney: Object. Argument, if the Court please.

The Court: Sustained. You may ask how he met him or what the circumstances were.

(The Witness) The circumstances of my meeting with Captain O'Malley were that he was conducting the show up in the office. I spoke to him first.

Q. Had you up to this date spoken to anybody about a voice?

A. No, sir.

Q. When did that bright idea occur to you?

Mr. Cooney: Object.

The Court: Sustained. "The great idea" may go out and the jury is instructed to disregard it.

Mr. Lee: When did the idea occur to you?

A. About the time all witnesses were through on the show up.

856 (The Witness) The witnesses of the case, that had followed through the room. The witnesses from the Libby and Swift—yes, I knew each and everyone of them. They had gone through and I had not as yet.

No, I had not found out anything about what those witnesses had done. I was in the Police Room, in the

857 presence of Mr. Baker. I believe Mr. Baker and I went in together. I was sitting with Mr. Baker in another different room from where this show up was.

Yes, all the employees of the Libby, McNeill and Libby had gone through, had gone out, they went out opposite directions. I knew they went out. I had no knowledge about what had been done by those witnesses.

Q. You did not have any knowledge of it?

Mr. Cooney: Judge, I object. That's the third time.

The Court: He said he did not.

(The Witness) I went into the room where I saw some persons in a line-up. There were several colored persons in the line-up.

858 There were six of them. No, I did not know the names of the six that I saw.

Q. Did you know the name of any in the line-up, of the six?

A. Yes.

Q. What names did you know?

A. Dave Taylor.

Q. That is one. Tell me another name you knew and recognized.

A. I did not.

Q. Did you know Dave Taylor?

A. Yes.

Q. You knew him?

A. Yes, sir.

Q. He had a brother by the name of Eugene, didn't he?

A. Yes, sir.

Q. And you, as a police official, police officer at that plant, knew Eugene Taylor, didn't you?

A. I am not sure. He had only worked at our place a couple of days and that was at night.

Q. That is two men who were in the line-up, is that right?

A. Yes.

Q. And there were six altogether, Mr. Rusch.

A. Yes.

859 Q. Have you told the Jury and His Honor, Judge Holmgren, all of the persons that you recognized that were in that line-up?

A. No, sir. The only one I recognized by name and sight was David Taylor.

Q. And you recognized nobody else?

A. No, sir.

Q. And this man here, Crump, was standing in the line, wasn't he?

A. Yes.

Q. And you could not, when you first saw Crump, say that you knew Crump, could you?

A. No, sir.

Q. That was the first time you had ever seen him?

A. That I remember, yes, sir.

Q. It wasn't, or was it, the first time?

A. Yes, sir.

Q. Now, of the six we know that David Taylor was in the line-up, we know Eugene Taylor was in the line-up, we know Crump was in the line-up. You know now and found out that afternoon the name of the fourth person in the line-up.

Mr. Cooney: Object. The question calls for three or four answers.

The Court: Sustained.

860 (The Witness) The name of the fourth man in the line-up was Hudson Tillman. No, I had never seen him before. Someone told me his name at that time.

The fifth man's name may have been William and Riggins, I am not sure. The name of the sixth man, well, if it wasn't Riggins, it was Williams.

Yes, they were all colored men standing in line. The
861 only one I recognized was David Taylor.

Q. And you know the names of the persons that have been indicted in this case, don't you? They are all the names that you just uttered, with the exception of Williams.

A. Yes.

Mr. Cooney: Object to the form of the question.

The Court: Sustained. Ask a question.

Mr. Lee: He gave the answer.

The Court: I will let the answer stand, but after this, ask the question.

(The Witness) Besides the six men in the line-up, myself, Mr. Baker, Captain O'Malley and Lt. Olson, who is now Captain Olson, I don't recall who else was
862 in that room.

Immediately upon my entrance in the room, I spoke to Captain Chief O'Malley. It was in Mr. Baker's presence but not hearing distance. I whispered to Chief O'Malley. I just made a request.

Q. You knew at that time that those men in that line-up were under arrest, didn't you?

A. Yes.

863 Q. Of course, you did. You were a policeman and you knew they were under arrest.

Mr. Cooney: Object.

The Court: Sustained. The answer may stand. "Of course, you knew they were under arrest" may go out and the jury are instructed to disregard it.

Mr. Lee: And you knew at that time there had been no charge of murder or robbery placed against Crump, didn't you?

Mr. Cooney: Object to the question as being double in form and as being immaterial as far as this particular witness is concerned.

The Court: I will sustain the objection as to the form of the question.

(The Witness) Yes, when I went to that room I was going for a certain purpose. I had had conversations with someone representing police authorities of
864 the City of Chicago, Cook County. I knew they were under arrest certain suspected persons. No, I did not

know that there had not been a charge placed against them.

I whispered to Chief O'Malley and made a request. I requested him to have each one in the line-up exclaim "Give me your gun, give me your gun, give me your gun." That is all I said to him. He said, okay.

Q. Now, prior to that time, had you given to any authorities any statements on which memorandum of any kind was taken that you would be able to identify the voice?

A. No, sir.

Q. And this was six days after the incident?

A. Yes, sir.

865 Q. And you just uttered from that stand "Give me your gun, give me your gun" three times, didn't you?

A. Yes.

(The Witness) I heard that voice or exclamation said to me twice in the Cooler Room. Yes, I was on the outside. I don't recall the time elapsed between the removal of my position outside in the hall where I indicated I encountered the first bandit, to a position inside the Cooler.

My removal from that point in the hallway to the Cooler Room was done by force exerted upon me. I 866 had seen the person using the force; the fellow with the pistol in his hand.

The distance from the position that I was in in the hall to the place in the Cooler Room was approximately ten feet.

When I spoke to Chief O'Malley in whispers at that time, I did not tell Chief O'Malley anything as to the kind of voice, as to whether it was a falsetto, bass or tenor.

Yes, I have seen People's Exhibit 7 before. Yes, it looks like the one that was worn by the man who
867 took physical hold of me. They are about eye level.

Q. And how far down over the person's face would this mask hang, did it hang at the time you saw it, or like it on the person?

A. Below the chin, sir.

(The Witness) At the time I did not tell Chief O'Malley this, and he did not ask me anything about the voice coming through the mask.

Q. And the voice did come through the mask, didn't it? Yes or no.

A. I don't know.

Q. You heard the voice. There are no slits in the mask other than eye slits.

A. Yes.

Q. The voice came through the mask.

A. It could come down from underneath, sir.

Mr. Lee: Well, that's a sort of argument he is giving me. I don't want him to argue with me. May I have it stricken?

The Court: Let us hear the question. (Last question read)

868 The Court: Did it or did it not come through the mask?

A. Your Honor, when the man spoke, it could just as easily come from underneath the mask as to come through the mask.

The Court: Do you know whether it came down from underneath?

A. I don't know which way, sir.

The Court: Let that answer stand. The other answers may go out.

(The Witness) I do now wear glasses. No, I did not at that time.

869 I did not see fit on any occasion prior to seeing Captain Chief O'Malley to attempt to give anyone in authority information as to the kind of voice I heard. It was on the morning of the 26th, approximately 11:00 A.M. 11:30, that it first dawned on me that I might know the voice. When I was in the show-up room.

Q. Never before that?

A. No.

Q. But it dawned on you before you went in the show-up?

A. No.

Q. It dawned on you when you saw Chief O'Malley.

A. No, sir.

Mr. Cooney: Object to arguing with the witness.

The Court: The form of the question might be objectionable. I will let the answer stand. Ask your question.

870 Mr. Lee: What kind of voice would you say was the voice that you heard uttered by this man Crump in that show-up?

A. I cannot describe it.

Q. You can't describe it?

A. No, sir.

Q. And the voice of the person wearing the mask on March 20 you could not describe either, could you?

A. No, sir.

Q. Does the kind of voice beggar description?

Mr. Cooney: I object. Ask for a conclusion.

The Court: Sustained.

(The Witness) After I said that to Chief O'Malley, he said O.K. that's all.

Q. Then you and the Chief went within the room?

A. No, sir, we were in the room.

Q. What you and the Chief said wasn't heard by anyone else?

A. No, sir.

Q. So Chief O'Malley did something, didn't he?

A. Yes, sir.

Q. Were there other persons there besides Chief O'Malley?

871 Mr. McGovern: Judge, it has been asked and answered several times.

The Court: Sustained.

Mr. Lee: I forgot what he said.

The Court: I understand that Captain O'Malley and Lieutenant Olson were there.

Mr. Lee: Yes.

The Court: Baker was there.

Mr. Lee: But I am saying about other persons.

The Court: And he said he could not recall who else was present when he was asked before.

Mr. Lee: So, now, relate what happened then, Mr. Rusch.

Mr. McGovern: Object. It has been answered.

Mr. Lee: Not what happened after that.

The Court: Overruled.

872 (The Witness) After that, Captain O'Malley requested everyone to line up and explain "Give me your gun, give me your gun, give me your gun," one at a time.

Q. Before that you looked over the group, didn't you?

A. Yes, sir.

Q. And you could not identify anybody?

A. Yes, sir.

Q. And after you heard the words of every person in the line say, "Give me the gun" you identified a voice.

A. I recognized the voice, yes, sir.

Q. You recognized the voice?

A. Yes.

(The Witness) Yes, the voice that I recognized came from a person standing in line who is now sitting behind you. I told Captain O'Malley that was the man.

* * *

Q. You said to Captain O'Malley "That's the man that accosted me at Libby, McNeill and Libby Plant, is that right?

A. Yes, sir.

873 Q. Then what happened?

A. Then we went out.

Q. And you made that blunt statement of accusation on the basis of voice, and voice alone?

A. Yes.

Mr. Cooney: Object to the form of the question.

Mr. Lee: He answered, he said yes.

The Court: I will let the answer stand.

(The Witness) Yes, I have made a study of police methods. In my experience in my study, I know that when men are lined up, the line-up is for identification purposes.

Q. You know at that time that you recognized a voice, that the person from whom the voice came had 874 not been charged, don't you?

A. No, sir.

Q. You did not know it then?

A. No, sir.

Q. Was he a prisoner?

A. Yes, he was in custody.

Q. In whose custody?

A. Chicago Police Department.

Q. On the 2nd floor of this building?

A. Yes, sir.

Q. Was he in custody of the State's Attorney?

A. I don't know.

Mr. Cooney: Object. Immaterial at this time.

The Court: I will let him answer. What the answer?

The Witness: I don't know.

Mr. Lee: You just know he was a prisoner?

A. Yes.

Q. But you don't know whether he had or had not been charged with an offense.

Mr. Cooney: We will object again. That's five times the question has been asked.

The Court: Sustained.

875 (The Witness) There are seventeen men on the guard force at Libby, McNeill and Libby.

Q. You have seen that chart there (indicating People's Exhibit 2)?

A. Yes.

Q. You know the mark "P" on there?

A. Yes.

Q. Where is the Police Station?

Mr. McGovern: Object. Beyond the scope of direct examination.

Mr. Lee: I still want to know something about that chart.

The Court: Sustained. If you want to make him your witness, you may.

Mr. Lee: I don't want to make him my witness. They brought him in. With all due respect, of course, to Mr. Rusch.

876 (The Witness) I made reports to my superiors about the incident subsequent to the occurrence. I don't know whether or not the Police stationed at Libby, McNeill and Libby Plant submitted a record of the incident. I don't remember.

I did not make a report of the incident to representatives of the Police Department of Swift and Company. I did not make a report of the incident to representatives of the Police Department of the City of Chicago, nor to the Office of the State's Attorney of Cook County.

Q. To whom did you make a report of the incident?

A. I did not make a report to no one, sir.

877 The first person I told about it after it happened was my wife. I did not tell anyone connected with the Libby, McNeill and Libby Company.

Q. Did you tell anybody from the Police Department?

Mr. Cooney: Judge, I object.

The Witness: No, sir.

The Court: I would sustain the objection, but I understand the witness to have said before that he did subsequent to the occurrence, submit a report to his superior at Libby, and now I understand the witness to say he did not. I think it should be cleared up. That's why I am permitting him to answer.

Mr. Cooney: Withdraw the objection.

The Witness: Evidently, your Honor, I did not understand the question when I said I did make a report, because I wasn't in condition to make a report.

Q. Did you give a description of your assailant?

A. Yes, sir.

Q. When?

A. I believe it was on the following day.

Q. And that description was given to whom?

878 A. Police Officers.

(The Witness) It was given to Police Officers of the Chicago Police Department in the hospital. I don't recall the name of the officer that I gave the report

or description to. I was asked questions and I gave answers. A man took it down in writing.

The Police Officer from the Chicago Police Department did not wear a uniform.

Q. How did you know he was a police officer?

A. I seen his identification, sir.

879 Q. What kind of identification did he show you?

A. His star and I.D. card.

I just glanced at the card. I did not make a note of the name.

Q. When you went in that room downstairs on the 2nd floor of this building, you intended to have those men held prisoners there, speak those words, "Give me your gun," didn't you? Answer me yes or no.

A. No, sir.

Q. You wanted that to be done, didn't you?

A. Prior to going into the office, no, sir.

Q. When did you want it to be done?

Mr. McGovern: Objection.

The Court: I think he has answered that. He said after most of the others had gone out and he was in this room with one other man and Captain O'Malley.

880 Mr. Lee: The words "Give me your gun," you wanted those words specifically and specially, didn't you?

A. Yes, sir.

Q. Did you know that if you had heard the utterance of other different words, you would not be able to identify the voice?

A. Yes.

Q. You knew that?

A. Yes, sir.

Q. You knew that when you went there as a police
881 officer you were going to have men give evidence against themselves.

Mr. Cooney: Judge, I object to that.

The Court: Sustained.

Mr. Cooney: I ask the question be stricken and the Jury be instructed to disregard it.

The Court: All I can do is sustain it. When there is a question asked and no answer given, all I can do is sustain the objection. I can't help that counsel asked the question.

Mr. Lee: Did you consider that having men subjected to that was in violation of their rights against self incrimination?

Mr. Cooney: Object, if the Court please.

The Court: Sustained.

Mr. Lee: Tell me this, Mr. Rusch, why wouldn't you have been satisfied with hearing other words besides the words "Give me your gun?"

A. It was three of the words I heard during the controversy.

The Witness: Other words may have served my
882 purpose. I am certain of tone qualities. I did not know the tonal qualities.

Q. Well, all you said at that time was "I recognize the voice of Crump."

A. Yes, sir.

Q. You did not identify him?

A. No, sir. I identified him in line, yes, after I heard the voice.

Q. You identified him?

A. Yes.

Q. On the basis of the voice and voice alone?

A. Yes.

The Witness: The man in plain clothes exhibited
883 to me a star and a card He was from the Detective Bureau of the City of Chicago. I said to him just

what I testified in Court here today. I told him I
884 was struck on the head by a hooded man in dark clothes.

I did not give a description to anyone. I did not give the voice or anything else. I never thought a word about a voice until March 26th.

I have been instructed in police methods by the Libby, McNeill and Libby Company.

Q. You are educated and schooled in the rights of individuals, aren't you?

A. Yes.

Mr. Cooney: Object to this.

Mr. Lee: He answered.

Mr. Cooney: I respectfully object to the Court, if the Court please.

The Court: Sustained. I don't see that is cross examination.

Mr. Lee: If you tell me it isn't, Judge, I will abide by your ruling.

The Court: You have had your exception.

Mr. Lee: Very well, nothing further.

885 (Whereupon a short recess was taken).

The Court: Bring in the Jury and the Defendant.

(The Jury are brought into Open Court and the following proceedings are had in their hearing and in their presence.)

WALTER SCHILBE, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is Walter Schilbe. I live at 9334 South May Street in Chicago. I am employed

886 by Libby, McNeill and Libby. I have been employed by Libby approximately 21 years. I work in the field and acreage department.

On March 20, 1953, I was then employed by the Libby Company. At about the hour of 11:00 A.M. I was in the main office on the 3rd floor of Building D.

Yes, I did go into Building E. I travelled through part of it on the way into the office which was in
887 another section in the main building. Yes, I did come down to the 5th floor of Building E. I went through that section. To the 5th floor coming from 3D, 3rd Floor, Building D.

Q. And going into Building E, is that right?

A. Yes.

Q. And that would be the 5th floor, is that right?

A. That's correct.

The Witness: As I passed through the corridor or hallway at that point, I noticed to my right in the doorway leading into the Cooler Room, in Building E, a small group, two or more individuals gathered. That is all I saw. I noticed in my brief exit passing through the hallway they appeared to be masked or hooded.

Q. Now, would you step down from the witness stand, please? (Witness complies)

You have seen this plat before, People's Exhibit I marked in evidence?

888 A. Yes, sir, I have.

I came through this hallway into this vestibule.

Mr. McGovern: You are indicating for the purpose of the record. You came into the hall on the 5th floor, Building E, is that right?

A. That's correct.

Q. And you saw some men, didn't you, sir?

A. Yes, in this opening into the Cooler Room.

Mr. McGovern: Indicating for the purpose of the record, the door leading into the Cooler Room. Now, sir, what did you do?

A. I was travelling in this direction, going up these stairs and I continued in that direction which was—I paused very briefly, did not stop at all, just slowed my pace slightly, went up these steps onto the floor above, and proceeded in this direction.

889 As I reached the top, that is the floor above, I heard a shot fired. I turned around and looked back down in the direction from which the sh came and I saw a form lying on these lower steps.

Q. Could you distinguish anything other than the fact it was a form?

A. No, I could not, just a body had fallen there, I believe.

Mr. McGovern: You may resume the stand. Thank you.

The Witness: I proceeded on into an adjoining room and directly across the hall from that room is the Chicago Plant General Superintendent's Office and I reported to him. That was on the 6th floor. That was a floor above where this Cooler room is.

Mr. Lee: If the Court please, strike the word "reported."

Mr. McGovern: By agreement, I will put another question.

890 The Court: It may be stricken.

Mr. McGovern: Did you have a conversation with anybody when you got to the office you mentioned? Yes or no.

A. Yes.

Q. Did you see a Mr. Larson there at that time?

A. I did.

Q. Did you say anything to him or in his presence at that time and place? Yes or no.

A. I did, yes.

Mr. McGovern: You may cross examine.

Cross Examination by Mr. Lee.

The Witness: I work in the field and acreage department of the General Superintendent's Office. No, I do not stay in the office all of the time, that is my headquarters. I am head of the field and acreage
891 department. By field I mean in the field of growers who produce crops for our company. I travel to far distant points.

Q. Do you go to California?

A. No.

Mr. Cooney: Object. Immaterial, Judge.

The Court: Sustained.

892 The Witness: I have been there a long time. I am still there. I like it.

Mr. Lee: That is all.

(Witness Excused)

HARRY LARSON, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is Harry Larson. I live at 137 West 104th Place, in the south end of Chicago.
893 I am employed at Libby, McNeill and Libby in the stockyards. I have been so employed for 13 years. I am personal manager in the Chicago Plant.

On March 20, 1953, at or about the hour of eleven o'clock in the morning I was at the plant. Yes, I saw a man by the name of Mr. Schilbe. When I saw him I was in the Plant Manager's Office.

Q. Did Mr. Schilbe say anything in your presence? Yes or no, without saying what was said.

A. Yes.

Q. All right, now after that, sir, did you go anywhere?

A. Yes, I did.

Q. Where did you go?

A. Well, I went out of the office and into an ad-
894 joining building, perhaps 100 or 125 feet away into the vestibule of this other building, and then down. This is the 6th floor in this building, called Building E. I went down the stairs to the 5th floor of this building and walked into the Cooler, or storage space.

The light was very weak, light coming from some rear window way back was all that lit up the room. As I came around the edge of the door, I stopped suddenly, right in front of me, eight or ten feet away, was a man that I could see—a silhouette.

The Witness: No, I could not see anyone else there at that time. The man said something, he said a few words rather low or muffled, I could not make it out. I turned immediately and ran out of the room and down the stairs to the 4th floor in the same building. As I was leaving the room, two shots were fired. When
895 I got down the stairs, I was on the 4th floor of Building E. That was also in the hall or vestibule where the stairs were.

Q. Now, sir, did you see anybody when you got down to the 4th floor?

A. Yes.

Q. Tell the Court and the ladies and gentlemen of the Jury who, if anyone, you saw, Mr. Larson.

A. I met the Chief of our Plant Guards, Mr. Zukowski and his superior, Mr. Grabowski, that had just entered into this vestibule from another door.

The Witness: I am referring to the vestibule in Building E, below the 5th floor, on the 4th floor. Mr. Grabowski is classified as General Foreman.

896 After I said something, I heard steps, I heard a few steps on the stairs behind me and as I heard those steps on the stairs, I ran out through this door that they had come through into the vestibule. I heard footsteps coming down from the 5th floor of Building E. I left the vestibule on the 4th floor.

Q. What did Mr. Grabowski do?

A. Mr. Grabowski left also.

Q. What did Mr. Zukowski do?

A. He remained.

Q. Now, was that the last time you saw Mr. Zukowski alive, sir?

A. Yes.

The Witness: I have with me records of the Personnel Department of Libby, McNeill and Libby. These records are kept under my supervision and control.

897 Q. And the records that you have are true and correct, is that right, sir?

A. Yes.

Q. Now, will you refer to your records and tell me whether or not you had a man working at Libby, McNeill and Libby, under the name of Byron Fox?

A. Yes, we do have a record.

Q. Do you have a record of a man by the name of Byron Fox working at Libby, McNeill and Libby?

A. Yes.

The Witness: He worked at Libby's from August 5, 1952 to August 12, 1952—rather November 12, 1952, and was discharged on December 23, 1952.

I have a record of an employee by the name of David Taylor. He started at Libby's on November 29, 1946 and his last day of work was March 17, 1953.

898 He was discharged officially at a later date, March 20—not March 20, March 30 officially discharged. That was 1953.

Yes, I have a record here for a man named Eugene Taylor. Eugene started on October 17, 1947, and quit on January 10, 1948.

Mr. McGovern: You may cross examine.

Cross Examination by Mr. Lee.

Mr. Lee: If the Court please, I am making my Motion to strike the testimony because I don't see the materiality of it, Eugene Taylor, way back there.

The Court: I assume he will follow it up with other evidence.

Mr. McGovern: That's right, Judge

The Court: Overruled.

Mr. Lee: You base it on an assumption, Judge.

899 The Court: I am overruling your objection. I believe it is material.

The Witness: This happened somewhere about eleven o'clock, yes. I did not know exactly what time it occurred.

Yes, I was at the plant all that day, March 20.

900 Well, I, shortly after the incident, I helped some of the injured people to the doctor's office, one person

in particular, that was in the doctor's office, part of the time. I stayed in the plant.

Yes, I saw the Police come to the plant. It is very likely that I talked to the Police. Whatever I knew at the time, whatever I saw and heard, I told them.

After that I might have been out on the street. I
901 would not know, 2½ years ago. I would not be certain. I would say I remained in my office inside the building; I remained in the building perhaps all the time.

Mr. Lee: That is all, Mr. Larson.

(Witness Excused)

JOHN SCHILLER, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

902 The Witness: My name is John Schiller. My address is 8517 South Seeley. I am employed at Libby, McNeill and Libby in the Stockyards in the City of Chicago. I have worked there for 22 years. I am a supervisor.

Q. Now, directing your attention to the month of November, 1952, did you then know a man by the name of Byron Fox?

A. Yes, I did.

Q. Do you see that man here in the Courtroom?

A. Yes, I do.

Q. Will you point him out, please?

A. The second fellow at the table here.

903 Mr. McGovern: Indicating for the purpose of the record, the defendant in this case, Paul Crump. Was he then an employee of Libby, McNeill and Company?

A. Yes, he was.

Q. And did he work in your department?

A. Yes, he worked for about five weeks in my department.

Q. What department was that, Mr. Schiller?

A. Baby Food Finisher. He operated a baby food finisher.

Mr. McGovern: You may cross examine.

Cross Examination by Mr. Lee.

Q. You personally remember this man?

A. Yes, i do.

Q. Is there more than one shift in operation among the employees there?

A. There was two shifts at that time.

Q. On which shift did this man, indicating the 904 defendant, work?

A. Second shift.

Q. What time of day does it begin?

A. From 3 to 11:18. He worked from 3 o'clock to 11:18.

Q. 3 o'clock in the afternoon until 11:00 at night?

A. 11:18.

Mr. Lee: That is all.

(Witness Excused)

Mr. McGovern: Woul you call Matthew Grabowski, please, and then Mr. Simons will be on tap.

MATTHEW GRABOWSKI, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is Matthew Grabowski. I live at 3801 West 109th Place. I am a General Fore-

905 man at Libby, McNeill and Libby.

On March 20, 1953, I was employed by Libby, McNeill and Libby Company. On that date at about the hour of 11:00 A.M. I was having lunch with Mr. Ted Zukowski in the Plant Cafeteria. Mr. Zukowski was then the Chief of the Libby Plant Guards.

After lunch we took a walk. Our final destination was to check the parking area around the plant. We went down from the cafeteria through Building G, that building beneath the Cafeteria, that is the men's
906 dressing room. It was customary for Mr. Zukowski to check that. Then we proceeded through Building A, 4th floor, and we walked into the 4th floor vestibule. There's a three-stair landing down from A into E and we walked down there.

Q. There is a connection between Building A and Building E on the 4th floor?

A. It's just a door.

Mr. Zukowski had on his Plant Guard Uniform, cap and Plant Guard Uniform.

Q. I show you what has been marked People's Exhibit 5 for identification.

The Court: I think it has been admitted.

Mr. McGovern: I offered these to Rudolph Zukowski and had him look at them.

The Court: I thought they were admitted.

Mr. McGovern: No, I offered them and then withdrew the offer.

The Court: All right.

Mr. McGovern: And these I show you now, People's Exhibit 4 for identification, and ask you to look at it.

A. Yes.

907 Q. Was Mr. Zukowski at the time you saw him,

wearing these two exhibits, the star and hat, Mr. Grabowski?

A. Well, yes.

Mr. Lee: Defendant objects to all this because it is cumulative and repetitious.

The Court: Overruled.

Mr. McGovern: When you entered into the—

Mr. Lee: Are you going to introduce these Exhibits now? Show them to another witness later. Let's get it over with.

The Court: He has a right to show them to as many witnesses as he sees fit before he introduces them in evidence.

Mr. McGovern: Judge, may I proceed?

The Court: You may proceed.

Mr. McGovern: Now, Mr. Grabowski, when you entered the 4th floor vestibule in Building E with Mr. Zukowski, did you see anyone else at that time?

A. When we walked into the vestibule we heard a sharp report. It was immediately followed by another noise sounding like, it was followed by a noise of somebody coming down the stairs.

Q. Did you see anybody?

908 A. We went up the landing, half landing and saw Mr. Harry Larson.

Q. He is also employed there, is that correct?

A. Yes, he is in charge of the Personnel Department.

The Witness: Mr. Larson was coming down the stairs from the 5th floor. He said something to me and Mr. Zukowski. Mr. Larson and I then left the vestibule on the 4th floor.

As we left the vestibule, we just got into Building A up the 3 stairs. Larson went to the right, I went to the left and we heard shots.

Q. You heard some shots?

A. That's right.

Q. Do you know how many shots you heard?

909 A. Not exactly. I heard several shots.

The Witness: After I heard the shots I returned to the vestibule. Yes, I saw Mr. Zukowski. He was lying on his back, face up, and Mr. Simons was there, one of the Plant Guards.

Q. Can you describe the condition of Mr. Zukowski when you saw him?

A. His face was covered with blood and he was, there was a pool of blood accumulated on the side of his head.

Q. Do you know, where Mr. Zukowski was going the last time you saw him alive?

A. When I left in the vestibule, just before I left, I saw Mr. Zukowski going up the stairs leading up to 5-E Building.

Mr. McGovern: You may cross examine.

Mr. Lee: No cross examination.

(Witness Excused)

910 WILLIAM C. SIMONS, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is William C. Simons. I live at 6222 South Kolin Avenue. I am now employed by the Libby, McNeill and Libby Company. I have been so employed since January, 1930. I am an oiler in the engine room.

911 Yes, at or about the hour of 11:00 A.M., March 20, 1953 I had the occasion to go to the 4th floor vestibule

in Building E. Before I went to the 4th floor vestibule in Building E while on the stair landing from the second floor up toward the 3rd floor, I heard five shots fired. After the five shots I turned around and it sounded as though they came from the lower floor, the first floor. There was nothing there. I turned around and I went back up to the 4th floor.

Q. Did you go down to the 1st floor or down to the basement?

A. First floor and basement are the same.

After that I returned to the 4th floor in Building
912 E. When I got there I saw Ted's body lying on the floor in the vestibule. I mean Ted Zukowski.

With relation to the stairs, the head was facing South. The head was facing away from the stairs. His feet were right about six inches from the stairway.

Q. What, if anything else, did you notice about Zukowski at that particular time?

Mr. Lee: Objection. Would not serve any purpose.

The Court: Overruled.

Mr. McGovern: What else did you notice, sir?

A. I don't know just what you want.

Q. As he was lying there, did you look at him?

A. I did.

Q. Tell the Court and the ladies and gentlemen of the Jury what you did with relation to Mr. Zukowski.

A. He was lying face down in a pool of blood. His coat lapels were turned up, so I stepped down
913 and turned him over to see if I could see any breath or anything, or what was wrong with him.

The Witness: When I turned him over, I saw his face covered with blood. His hands were at his side. There was nothing around his body at that particular time, outside of his cap that was lying by his head.

That was his regular Chief's cap.

Q. You saw People's Exhibit 5 for identification, is that right?

A. That's right.

Q. Now did you see any weapon of any kind or nature on the body or near the body?

A. There was no weapon around.

Mr. Lee: Objected to as leading.

The Court: Sustained, as leading.

914 The Witness: I did not see anything on or near his body.

Q. Now, Mr. Simons, I will show you what I will ask to be marked People's Exhibit 13 for identification, purporting to be a photograph, and I ask you to look at it.

Do you recognize that Exhibit?

A. Yes, sir.

Q. What is that Exhibit?

A. That's the vestibule and stair of the 4th floor, Building E, between E and A.

Q. Does that photograph, People's Exhibit 13 for identification, truly and correctly portray that 4th floor of Building E as you there saw it on March 20, 1953?

A. The northern section of it, northeast section of it.

Q. Does it truly and correctly portray that section?

A. Yes.

Q. I show you what has been marked People's Exhibit 14 for identification and ask you to look at that: do you recognize that Exhibit, sir?

A. Yes, sir.

Q. What is that?

A. That is—

Mr. Lee: Object to the question.

915 The Court: Overruled.

Mr. Lee: Well, it speaks for itself.

The Court: How can it speak for itself if somebody doesn't say what it is?

It's the 4th floor vestibule of Building E. It truly and correctly portrays it as it was on March 20, 1953.

Q. I show you People's Exhibit 15 for identification and ask you to look at that; do you recognize that Exhibit, sir?

A. Yes.

Mr. McGovern: Would you keep your voice up so the jurors can hear you? What does that Exhibit show, sir?

A. That is another photograph of the 4th floor vestibule between Building A and E.

Q. Can you see on this particular photograph, People's Exhibit 15 for identification, where the body of Ted Zukowski was lying.

A. Yes, sir, right in front of the doorway.

Q. You are indicating a position from the stairs
916 out into a darkened colored portion of the picture, is that right?

A. Yes, sir.

Q. Mr. Simons, did you discover anything else at that time and place other than the body of Mr. Zukowski?

A. A hat and a hood.

Q. Where did you discover the hat?

A. The hat was lying off the landing in between the stairway, the little landing between the 3rd and 4th floors, as you turn around it was right there at the post or balustrade.

Q. I show you now what has been marked People's Exhibit 9 for identification and ask you to look at it; is that the hat that you found, sir?

A. That's the hat.

Q. Is it substantially in the same condition now as it was when you found it?

A. Similar to it. When I picked it up it was in that shape, was in between the balustrade and the post, or step.

Q. Did you discover anything else there at that time and place?

A. Well, a hood, there was a hood lying on the first step below the 4th floor proper.

917 Q. Now I show you what has been marked the People's Exhibit 7 for identification and I ask you to look at that; you have looked at that Exhibit, sir?

A. Yes.

Q. Is that the hood you found at the place you testified?

A. That's the hood I picked up with the cap.

Q. And is this substantially in the same condition it was at the time you found it?

A. That was about in the same condition.

Mr. McGovern: Here are the pictures, Mr. Lee, Exhibits 13, 14 and 15.

Mr. Lee: Are you through?

Mr. McGovern: Yes, you may cross examine.

Cross Examination by Mr. Lee.

The Witness: Yes, I heard five shots. My duties as a guard were confined to the Plant proper, either inside or immediately outside.

918 I started work at six in the morning. I had been working about five hours at the time I heard the shots.

Yes, I had in my time heard various kinds of firearms sounded. I counted the number of shots. They were in fairly rapid succession. Equal intervals between each shot.

919 I can distinguish between the report of a caliber .32 revolver and a caliber .38. I can also distinguish between the sound of a pistol and that of a shotgun.

Q. Did you note at the time whether they came from one weapon or more than one weapon?

A. No, I did not pay that close attention to it. I was interested in the amount.

Q. And numbers?

A. Yes.

Q. And you don't know whether there was one weapon or more than one weapon now, do you?

A. No, that I don't know.

Q. And you did not know at that time?

A. No.

The Witness: At the time I heard those noises, the report of the weapons being fire, I was about the middle, the third step off the second floor vestibule 920 or landing, as you would call it. That wasn't the Police Headquarters. That's the vestibule between two of the buildings.

I had not been in the Police Headquarters, in my office or making the rounds. There was an alarm sounded and I went out on investigation and was going up and started up the stairway to check up on the investigation. When I received the call I was on the dock right in front of the building, what we call wholesale market dock. That would be on the east side of the building on Packer's Avenue. There was one of the other officers, John Munro, with me. We both 921 went where I said we went after I received the alarm.

Q. When you had this hat, indicating People's exhibit 9, I noted a moment ago you were examining it.

A. Yes.

The Witness: I examined the hat with some degree of care. I looked at the outside, but paid more attention to the inside. I was looking at the markings in the hat. Brand of the hat, and there was a union label, and there is markings on the inside of the hat, on the tag. I saw that a moment ago; I saw it when I turned it in too.

922 Q. Is everything on the hat now that was on it when you picked it up?

A. It seems I could check the record of it in my pocket.

Q. Oh, have you? Well, I suppose you compared it. You have had that in your possession all the time.

The Court: I think you should speak loud enough so the jury can hear you.

Mr. Lee: Yes, I will.

Q. The paper you now take out of your pocket and hold in your hand, you have had that ever since March 20, 1953.

A. This is a copy of what I got. My printed one is in my records at home, the one with all my police records.

Mr. Lee: Will you let me look at that?

A. Yes. (handing paper to Mr. Lee)

Mr. Lee: You have the number, the year and everything.

A. Yes.

Q. It is a well kept record, isn't it?

A. Yes.

923 The Witness: I wouldn't know if there were any other alarms sounded besides the one call I received.

Shortly after I picked up the hat, People's exhibit 9, and the mask, exhibit 7, I gave them to Officer Walsh. I saw him that day. I wouldn't know definitely the day I gave it to him. In checking the time I would say somewhere between 11:00 and 11:30. Officer Walsh arrived there shortly afterwards.

924 I wouldn't know if Officer Walsh is an ordinary Officer, Sergeant or Captain. There were several Police Officers, plain clothes. Officer Walsh is a plain clothes man. I don't know whether he is from the State's Attorney's office or the Police Department.

I saw a lot of other policemen there that day. I could not say how many because they were going and coming, intermingling. I would have no judgment because I could not keep track of who I had seen and who I had not seen before.

925 Q. Did you see a lot of police motor vehicles there at the time?

A. That I don't know. They were on the street and I was up—

Q. After that you came outside?

A. I did not get outside until pretty near five o'clock in the afternoon. All the Police Officers I saw were within the building.

The Witness: I am in a different department now. I am still employed at Libby's.

Mr. Lee: That is all, Mr. Simons.

Mr. McGovern: Just one more question.

Q. When you came up to the fourth floor, still in Building E, did you see anything on the wall in the vestibule of Building E at the bottom of the stairs?

A. There was a streak of blood on the wall, several streaks.

Mr. McGovern: All right, sir, that is all.

(Witness excused)

926 Mr. McGovern: Your Honor, at this time we offer in evidence the people's exhibits 13, 14 and 15 for identification and ask that they be received in evidence as the People's exhibits 13, 14 and 15.

The Court: May I see them.

Mr. McGovern: Oh, I am sorry, Judge.

The Court: Has Defense Counsel seen them?

Mr. Lee: I saw two of them.

The Court: Look at all of them.

Mr. McGovern: Would you call Mr. Czub, please.

Mr. Lee: I am objecting to all three, specifically.

The Court: What's the reason for the objection?

Mr. Lee: Well, the objection is they are not of any aid to the jury in deciding the issues in the case, and in addition I may say that 13 and 15 would be prejudicial and be inflammatory.

The Court: Inflammatory in what way?

Mr. Lee: Well, they are useless to the issues in the case and they are inflammatory in respect to what is on there.

The Court: Mr. McGovern?

Mr. McGovern: Yes, Judge.

927 Mr. Lee: What assistance is it, Judge?

The Court: There was testimony as to what these marks might be, but it wasn't direct testimony.

Mr. McGovern: You mean on the exhibits, Judge?

The Court: Yes.

Mr. McGovern: I can clear that up. You mean as to the substance on the bottom part?

The Court: You should, otherwise I can't admit them.

Exhibits 13 and 14 may be received as People's Exhibits 13 and 14 respectively.

Do you want to recall the other witnesses?

(Which said exhibits heretofore marked the People's Exhibits 13 and 14, for identification, were received in evidence as People's Exhibits 13 and 14 respectively.)

928 Mr. McGovern: We also offer in evidence the People's exhibit 7, marked for identification, purporting to be a hood and the People's exhibits 7 and 9.

Mr. Lee: Objection.

The Court: What's the reason for the objection?

Mr. Lee: Where is the connection with the Defendant and the issues in the case?

The Court: Well, there was evidence that there was a robbery there and that there was a killing, and there is evidence that the robbery and killing were perpetrated by men wearing masks.

Mr. Lee: I will agree to that.

The Court: And that one of the men had a hat that answers the description of the hat that is indicated here as People's exhibit 9 for identification, and these exhibits 7 and 9 were picked up on the scene of these crimes.

I would say they may be admitted.

Mr. Lee: Judge, all that you said is true, in support of proof of an offense perhaps having taken
929 place, but not in support of proof of anything committed by this Defendant or anything done by him.

The Court: That's a matter for the jury.

Mr. Lee: There is no relationship up to now.

The Court: People's exhibits 7 and 9, you can't delay the case, you have to try the case piecemeal. People's exhibits 7 and 9 for identification are admitted as People's exhibits 7 and 9, respectively.

(Which said exhibits heretofore marked People's exhibits 7 and 9, respectively, for identification were received in evidence as People's exhibits 7 and 9 respectively.)

930 Mr. Lee: What is that number you did not admit with the pictures?

Mr. McGovern: People's exhibit 15.

The Court: People's exhibit 15 is not admitted.

STANLEY CZUB, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is Stanley Czub. I live at 4423 South Wood Street, Chicago. I am employed by Libby, McNeill and Libby in the U.S. Yards. I have worked there for about eight years.

931 On March 20, 1953, I was employed at Libby, McNeill and Libby Company. I was present at the Libby plant on that date about the hour of 11:00 A.M. At that time I was in Building B on the first floor, in the small room.

Mr. McGovern: Will you step down here. Would you take this pointer and can you show us the building where you were. Will you stand over this way now.

A. I was right in this corner here.

Q. You are indicating now a corner of the building on the plat, People's exhibit 2 in evidence, in Building B, is that right.

A. Yes.

Q. You were in a room on the first floor, is that right?

A. Yes.

Mr. McGovern: Will you resume the stand.

Indicating for the purpose of the record the south-
932 west corner of Building B, is that right, Mr. Czub?

A. That's right.

The Witness: I was sitting in that room at a desk and reading. There are two doors in that room. One door is entrance door into the room and the other door is the exit door leaving the room, that is, leaving the building.

While I was sitting there in that particular room I saw a man running through. When he was about four or five feet in the room already, that's when I
933 raised my head and saw a figure. When he was running through the room I noticed at close view his brown coat. He had a brown topcoat on. He had dark trousers and a dark hat.

As he reached the upright, before he reached the beam he raised up his right arm and covered his face, or the side of his face. The beam in that room would be about in the center of the room, not quite.

934 When he put his arm up to cover his face I noticed him holding an object in his hand. It looked to me like a shotgun or rifle or something. As he ran through the metal door toward the exit door he put his right hand with the shotgun on the lever of the door and had his back turned toward me. I noticed in the left hand he had a black bag. It appeared to be made of leather something. At that moment I did not see anybody. It was about four minutes later, or five minutes later, before I saw anyone.

I heard a cough, sort of advance warning that some-
935 body is approaching that room. I looked up at the entrance of the door and I saw a fellow come running in. I was looking directly at him. He was looking at me.

Q. And do you see this, the person who ran into the room at that time, in the Courtroom at this time?

A. I do.

Q. Will you point him out.

A. Sitting in the middle.

Mr. Govern: Indicating for the purpose of the record the Defendant in this case, Paul Crump.

(The Witness continuing): He continued to run towards the exit door. I was looking at him and he was looking at me. He had a dark blue overcoat on. He had dark trousers on and he was hatless.

936 Q. Did you notice anything about his hair?

A. Yes, his hair was standing up, upright. It wasn't combed. It was just standing up.

Q. Did you notice anything else about him at that time?

A. Yes, his hands appeared to be covered.

Mr. Lee: Strike out "appeared" Judge?

The Court: Sustained.

Mr. McGovern: Did you notice any covering on his hands?

A. Yes, I did.

Q. And did he have gloves on his hands?

A. It looked like gloves to me.

Mr. Lee: Strike "looked like" Judge?

The Court: Well, did you know whether his hands were covered or not?

A. They were covered.

The Court: They were covered. All right.

Mr. Lee: Will you rule on the other?

The Court: The other may go out. "The hands were covered" may stand.

Mr. McGovern: Did you notice anything else about his face at that time, sir?

A. Yes, he had—

Mr. Lee: Judge, repeatedly there has been ques-
937 tions and I have sat in my place and kept my mouth shut. I arise now and object to the leading part of that. He knows better.

The Court: I don't know whether the question, whether "you notice anything else", whether it is leading or not.

Mr. Lee: Lead, lead, lead.

The Court: If you make the objection to leading questions I will sustain it, but I can't rule that is a leading question. I will let him answer that one. Overrule this particular objection.

The Witness: I noticed he had a growth of hair on his chin.

He left the room and went in a crouched position underneath the chassis of a vehicle that was parked alongside the building, and turned left.

Mr. McGovern: Will you step over here just once
938 more and take the pointer.

Will you indicate the section of Building B where you were, again. That is the room in this particular Building B, is that right.

A. That's right.

Q. Can you see the exit there on the plat?

A. Yes.

Mr. Lee: Object to the leading, Judge.

The Court: Sustained.

Mr. McGovern: Can you tell us where he left from?

Mr. Lee: Object to that, Judge.

The Court: Overruled.

The Witness: As he left the room he turned alongside when he left the little room, he turned left right alongside the railroad tracks.

Q. Now, the first man that went out, in which direction did he go?

A. He turned right alongside the wall of the building, along the track.

Mr. McGovern: Indicating for the purpose of the record the first man turned right and went north, is that correct, sir?

939 A. This way. (Indicating)

Q. And Paul Crump, the man you have identified here, turned left and went south, is that right?

A. Yes.

Mr. McGovern: Will you resume the stand, Mr. Czub, please.

The Witness: The first man that came through in the brown coat was about five feet seven tall. He weighed about one hundred and fifty pounds. He was colored.

I did see this Defendant Paul Crump after March 20, 1953. I saw him in this building, March 26th. He 940 was with five other fellows. They were standing along the wall, facing me. That was in a line. They were all colored. At that time I identified the Defendant Crump.

Q. And at the time that you saw him on the 26th of March, 1953, as you have testified, did he have those hairs, or goatee at that time?

Mr. Lee: Object to that, now.

The Court: Sustained.

Mr. McGovern: Well, did you notice anything different with relation to the chin of Paul Crump when you saw him on March 26, 1953?

Mr. Lee: Objected to as leading.

The Court: Overruled. I will let him answer.

The Witness: Yes.

Mr. McGovern: What is that, sir?

A. Well, he did not have the goatee.

941 Mr. Lee: Object to that, Judge.

The Court: Well, he did not have—how was it you described it before?

A. Well, hair growth on his chin.

Mr. McGovern: All right, sir. You may cross examine.

(Whereupon Mr. Lee requested a five minutes recess.)

The Court: All right. We will take a five minutes recess.

Mr. Lee: Will you instruct the witness whatever he is supposed to be instructed?

The Court: You will have to sit there and talk to no one.

Does the jury wish to go out for that five minutes.

(Whereupon a short recess was taken.)

942 *Cross Examination by Mr. Lee.*

The Witness: There are two doors in the room I was sitting in.

Q. And are the two doors shown on the chart?

A. One door, this one is shown right here.

The Witness: That is the one I am pointing to. The other door would be a little bit off here. No, it isn't shown here. Yes, this room is partitioned. It has walls on this side and this side.

943 A. Well, I don't know exactly. I don't know the dimensions of the room because I would say it would be about twenty feet square.

The Witness: The little room up in the corner. The second door I refer to, is the door that isn't marked on the chart. The entrance door into the room would be to the left here. The heavy line with the X on it, that's the door that enters into that floor in Building B. That is an exit and entrance from this room to this room, or, as has been called, Building T and Building S.

Q. And up here there is another marking corresponding somewhat to the mark down here; what is that?

A. I don't know. Maybe entrance to the engine
944 room.

Q. Could it be an elevator?

A. What elevator?

Q. Isn't there an elevator there?

A. In Building C? No.

Q. No; in Building B.

A. No, there is no elevator.

Q. So this which is embraced in Building B could not be an elevator.

A. No.

Q. You are familiar with the premises, aren't you?

A. Yes.

The Witness: That area enclosed and marked B, Building B, is the U.S. Condemned Room, Contamination Room. They bring that down there and dispose of it.

I was just sitting in a chair. There was a small desk in front of me.

945 I work in the preparation department. I cut meat. I trim meat. That is what I do now. On March 20th my duties were the same, preparation department on the second floor of Building B.

Q. All right. Will you show with the pointer I give you the location of the desk and chair where you were sitting?

A. The desk would be about ten feet away from the entrance right here, just about ten feet.

The Witness: That is the first entrance. The first entrance of the room, not the entrance of the building.

§ The desk is about ten feet in direct line of the entrance of that room. I was sitting just off the corner between these partitions. I was inside the Contamina-

946 tion Room. Away from the Contamination Room and away from the door, the inside door that leads into the entrance.

The desk and chair that I occupied were located near this wall, partition wall, not the building wall. The desk and chair were up against the blank wall. I was facing the entrance. The inside entrance, not the outside entrance.

There are two windows in this Contamination Room.

947 One window was situated over there and the other one situated over here. (Indicating). Those windows are not in the entryway, in the walls off the entryway, about four or five feet. The windows are part of the building. The windows in the Contamination Room proper.

For lighting facilities other than the windows they have bulbs.

Q. And you at that time were working in a room on the second floor?

A. I worked on the second floor.

Mr. Lee: You may return to the witness stand.

948 The Witness: I was in the seat there about four minutes before I saw the man running through. I was reading some notes. I had school notes that I was studying. No one had been in and out of the doors prior to this person who came out with a weapon in his hand. The first person that came through while I was there sitting and reading was the man with the weapon that looked like a shotgun in one hand and a bag in the other hand.

There is a small alarm clock in the Contamination Room. I had my own timepiece. I did not look at the clock but I looked at mine. The watch on my wrist.

949 I made a mental note, so to speak, of the time. When the first man went through it was about three minutes after eleven, four minutes after eleven, something like that.

After this fellow had gone by me, I stayed in my seat at the desk and continued to read.

The door from the room proper, into the entry is a wooden door made out of wood and it must be about four feet wide and about six or seven feet high.

No, I did not use the artificial light for reading. The artificial light was a bulb that was hanging above the door, suspended from the wall of the room. From the ceiling of the wall of the room. Suspended above

950 the door where I was sitting. There are about two more lights in there. It is a well lighted room by artificial light. It does draw in light from the windows also.

When the second person went through my attention was again attracted. At that time I did not make a mental note of the time. I did not pay any attention

951 to the time. I did not bother to look at my watch.

Yes, the time had passed between the passing of the two.

Q. Will you walk over to the chart again and indicate the door through which the man came when you first saw him, the first man.

A. He came through this door here, the entrance door.

Q. Through the door that ought to be there on that chart.

A. That's right.

Q. The missing door. And how far away from him were you?

A. About ten feet.

Q. Ten feet, being the distance from the desk there to the door.

A. Yes, sir.

Q. And you saw the man, that number one man walk with the shotgun back to where?

A. He ran through the room to the exit door leading outside of the building.

Q. Well, in other words, he ran from the door here that isn't charted, to the entrance door that leads
952 into Loomis Street.

A. Exit door.

The Witness: The number one man kept running and I was sitting. He was coming from this direction here, this direction here. I was facing him directly. My back was to the exit door. Not the partition. My back was toward the wall of the building.

Q. This is the entry up in this corner.

A. There is also a wall, the door is off to the side.

Q. Is the door that isn't shown here on a direct line with the door that is shown up here?

953 A. Not quite.

The Witness: If a person was walking on an angle from the door within to the door without. When I first saw the man who had the shotgun and the bag he was in the room, maybe about four feet and I raised up my head and noticed the man running. He came in through this wooden door. He continued to run toward the incline leading into the exit door. I don't know where he came, but he came from this direction. No, he did not come out of the Contamination Room. I was in the room. He came into the room.

954 He entered the room at a running pace. I did not see him enter. I saw him run across the room, in the Contamination Room. He came in that entrance. He could not have come in any other way. He continued to run out the entrance door. The second man went the same way.

Mr. Lee: Return to the witness stand.

955 A. Yes.

The Witness: I picked up my school notes and went down to the lunch counter in the retail market for a cup of coffee. That is at the front of the building, of the retail market Building G. No, I did not go outside the building to get to the retail market building. I walked through the halls, all the aisles that lead to different doors. I was still on the first floor and just continued to walk to the building where the lunch counter was at.

Q. Can you trace the passage you took on the chart?

A. I don't know if I could.

Q. Would you be willing to make an effort to?

A. I could try.

Mr. Lee: Will you please.

956 The Witness: I came out here (indicating on the chart), down this way here, then through here to A and through this aisle around this way here, all the way down toward the elevated. And I came in here, some way through here and walked clear down the employee's exit which leads to the outside of the street, clear down here and the lunch counter is right here somewhere.

Mr. Lee: Over near Packer's Avenue.

A. That is Packer's Avenue. There is three entrances in the building here.

The Witness: I had lunch here. I went back to the locker room, fourth floor and put my notes in there and I went back to the second floor and continued to work.

All that time I did not see any commotion around the plant. I did not see any police squad cars outside
957 the building. I didn't know anything about the robbery until that evening when I was going to school. I read the paper.

I did not have a conversation with any person that I knew, my fellow employees, while I was at lunch or at coffee. I did not have any conversations with any employees while I was in the locker room. I was working alone and I did not do any talking at all because there wasn't anyone with me at the time I was doing my work.

958 The first person that went through there with the bag and the gun I described was about five feet, seven. Weighed about one hundred and fifty.

I did not go back to work the following day, which was Saturday. I did not read more in the paper about a robbery at Libby, McNeill and Libby on Saturday. I read a little bit about it on Sunday.

Q. Did you at that time, either on Friday when you received the information from the papers, the newspapers, or on Sunday when you read a little bit further, associate the fellow with the shotgun and the bag with the incident at the time you read the papers I am talking about?

A. Yes, I did.

Q. You said nothing to anybody on Friday.

A. No, sir, I did not say anything.

Q. On Saturday you still associate in your mind the idea of a man running through the Contamination
959 Room, you did not think that would be connected with this robbery.

A. No.

Q. You did not the following day either, did you?

A. Sunday I read—

Q. What did you do?

A. I read a little bit about it in the paper and thought about it.

Q. You talked about it?

A. I did think about it.

The Witness: On Monday morning I went back to work at six a.m. My regular shift. On Monday at six o'clock in the morning I did not go to my su-
960 periors. No, I did not go at seven. Around eight o'clock I did. The foreman of the plant, Charles Mathay, came for me.

All he said to me was that the personnel section wanted to see me, the personnel office. When he told me that it was between eight and eight-thirty.

I went directly to the personnel office.

No, from Friday at noon until about eight or eight-thirty I did not go to the police.

961 It wasn't until I was sent for that I mentioned it.

I went to the personnel office and spoke to the personnel manager Mr. Larson. After I spoke to Mr. Larson I saw the police. I saw the police in the personnel office. They were up there. No, they did not ask me why I did not tell them about it on Friday. No one accused me of being negligent of making a report.

Q. Didn't anybody say to you it was strange that you saw a man going through with a weapon in his hand and you did not give them notice of it?

Mr. McGovern: Object to the form of the question.

962 Mr. Lee: Did anybody say it to you.

The Court: Sustained. He has said he did not tell anybody. Nobody criticized him or said anything to him.

The Witness: I was acquainted with David Taylor. I gave a description that caused me to be asked if the first man I saw was David Taylor. I said it wasn't. I was sure at that time.

The second man came through exactly the same route
963 as the first man. Through the room. The same men were within the same distance, approximately, from me. That distance was about ten or fifteen feet. I saw the first man open the door. He opened the door with his right hand. He had something in his right hand. That was the weapon, that shotgun or rifle, whatever it was. He was moving rapidly. He was running before he came to the door. After he opened the door he moved between the vehicle and the wall. There was quite a space there, but he sort of got through and then continued to run. That's the first
964 man.

I did not arise from my seat and go out to the door to look. Yes, I saw him when he was on the outside.

Through the window I saw his head. I did not arise to go to the window to see him. I saw nothing more than his head.

Then after an interval of time I saw the second man come through. No, I did not go to the window to look to see which way he went.

965 It was just a passing view of the first man; it was quick. Not so the second man. No, he was not walking—he was running. There was a slight difference in the speed of the two. The second man ran a little slower.

I exactly could not count the steps that the first man took until he passed from the time I saw him until he passed out of the door. The gait in comparison with the two fellows running, I would say it would be a little slower.

Q. You saw him as he passed over a distance of about twenty feet.

A. The second man?

Q. No, the first man.

A. About ten feet.

Q. About ten feet?

A. Yes.

Q. So he probably took three or four paces, three or four strides.

A. Yes.

966 Q. Then out of your sight quickly.

A. Yes.

Q. And the second man took strides likewise, did he?

A. Something.

Q. Three or four?

A. Maybe.

Q. Three or four strides while he was within your vision.

A. Yes.

Q. And he likewise disappeared as a flash.

Mr. Cooney: Object to the characterization.

Mr. Lee: He likewise disappeared quickly.

A. Not quickly, but he disappeared. I didn't watch him where he did go.

Mr. Lee: I am talking about when the first man was in your vision and when the second man was in your vision; do you understand me?

A. Yes, sir.

Mr. Cooney: Object, Judge, to this question. He is talking about two different times.

The Court: Sustained. Ask about each thing at a time.

Mr. Lee: I will go back to the first man and let me ask you this: Was the first man in the contamination room, or in the building proper, within your view
967 while he took about five or six paces or strides.

A. Yes.

Q. Was he in your view while he took more than five or six?

A. Yes, sir.

Q. How many more?

A. Clean up to the exit door and how many more strides I don't know, but quite a few because the room is twenty, twenty-five feet wide.

Q. How much time did it take?

A. About a minute, maybe less than that, seconds.

Q. How long did you know the man David Taylor?

A. About a year and a half.

Q. You said the first man had on a brown coat and dark trousers, dark hat, is that right?

A. Yes, sir.

Q. And you so informed the police on Monday.

A. Yes.

968 The Witness: I did not hear any noise when he touched the door as he put his hand on the knob. The shotgun did not go off I did not hear the noise of a shot while I was in the building that day.

Q. Now, the first man, as he passed through, you did not see his face, did you?

A. Momentarily, I did.

Q. The first man?

A. Yes, sir.

Q. And then did he look at you?

A. No, he wasn't looking at me.

Q. Did he put his hand up to his face?

A. Put his arm to the side of his face.

Q. And that was his right arm?

969 A. His right arm.

Q. In which he was carrying the shotgun?

A. Yes.

The Witness: He had hold of the shotgun toward about the center of the shotgun. To the stock somewhere, in between there. I saw part of the stock and it was part of the stock, in between the barrel. It looked like he held it in the center of the shotgun.

Yes, he opened the door that way. Well, I don't know if he kept running or not because I did not go out to look.

Q. You had seen this man Crump prior to that day.

A. Yes, sir.

Q. Where.

A. In the fourth floor locker room.

Q. In the locker rooms?

A. Yes.

970 Q. When?

A. Oh, about two or three months before that.

Q. Was it two months or was it three months?

A. I don't remember exactly.

Q. How many times did you see him in the locker room?

A. Once.

Q. Just once?

A. Yes.

Q. Was it in the daytime or nighttime?

A. It was in the daytime.

Q. What time in the day was it when you saw him once?

A. It was about 2:20.

Q. Is that about the time you were leaving, dressing to go home?

A. Yes.

Q. That's how you know it was 2:20.

A. That's right.

The Witness: He was standing in the aisle of the dressing room, leaning up against a locker, front row lockers. Yes, evidently he was getting ready to go to work. He had his overalls on.

971 I don't recall seeing anything on the hands of the first man that went through the room. Yes, I did see something on the hands of the second man as he went through. His hands were covered, red material, whatever it was, rubber gloves or something. Yes, I was ten feet away from him, from the entrance.

I just turned to look toward the window and the first man ran toward the right. I saw the second man

972 outside in a half crouched position underneath a vehicle, turning left. As he stood up he turned left. That

was the last I saw him. Yes, south of the entrance on Loomis Street.

The first man was a colored man. The second man was likewise a colored man.

973 I don't recall if I told the police at the Stockyards Station on Monday, March 23, 1953, that the second man was colored. Yes, I gave a description of the first man, as to clothing at least. At the Police Station I gave a description of the second man, on Monday. I gave the description at the Police Station to a Police Officer in plain clothes.

974 They were asking me questions and I was answering. I presume they made notes of what I said. I saw them make notes.

Q. What description did you give of the second man at that time in the Police Station?

Mr. McGovern: Object. The witness has said he doesn't remember.

Mr. Lee: Well, all right, if he doesn't remember, all right. You don't remember?

A. I don't remember.

The Witness: I did get a good look at the face of 975 the second man. It was a full view. He was looking directly at me. He was running toward the exit door. He began to look askance at me, sidewise as he was reaching the exit door, but he kept on looking at me.

The light there at that time was afforded by bulbs.

With respect to the growth of hair on the chin, it came from the lip down to a point, sort of sparsely growth, it wasn't a dense growth of hair. It was about two or three inches long. It came from a point from the lip—down to a point—not a line, it was sort 976 of, say, an inch wide maybe or less than that and came down to a point. Yes, it ended at the cleft of the chin.

977 It was a little longer. You could see it hanging like a hairline. It was about two or three inches down from the chin. It was light, not many hairs, it wasn't dense is what I was trying to say.

There was no difference in the color of the appendage of the man between the lip and cleft of the chin and that part from the cleft of the chin. The hairy
978 appendage was real black. Both the part above the chin and a couple of inches of hair below the chin. I don't remember if I told that to the police on Monday.

Yes, I came here yesterday. I saw Mr. McGovern and Mr. Cooney. I had a conversation with them. I had a conversation with them again today. I went over it yesterday. I did not go over it again today.
979 I am doing the same kind of work today as I did on March 20, 1953, on the second floor. Trimming meat and cutting meat, frozen meat and fresh meat.

Q. You cut it?

A. Yes, a machine cuts it.

Q. You operate the machine.

A. Sometimes.

Mr. McGovern: Object. Immaterial, Judge.

The Court: Sustained.

Mr. Lee: Nothing further, Judge.

Mr. McGovern: Mrs. Ballik.

The Court: I want to be sure the jury gets something to eat.

Mr. McGovern: I will take five minutes.

Mr. Lee: Judge, will you get that man back again?

The Court: Call that man back; he wants to ask
980 him another question.

Mr. Lee: Mr. Czub—you being the same Mr. Czub who just left the stand now called back. Can you a-

proximate better than you have the date when you first saw Crump at the plant in the locker room?

A. No, sir, I can't.

Q. It was two or three months before that?

A. Yes, sir.

Q. Was it February, 1953?

A. That I could not say, sir.

Q. Was it in January, 1953?

A. No, sir, I don't think it was. I just don't remember, but it was about three months because it was warm weather. I mean I had just a small leather jacket and—

Q. It wasn't in summertime was it?

A. It wasn't in the summertime.

Q. Was it in the winter time.

A. Probably was in the winter, but not in the dead of winter because I was coming to work in a thin leather jacket.

981 Mr. Lee: Did you tell the police that the first man that went through the locker room had rubber gloves?

A. No, I did not.

Q. Did you tell the police that the second man that went through had rubber gloves?

A. Yes, sir.

Q. What kind of rubber gloves were they?

Mr. McGovern: Object. Asked and answered before.

The Court: There was evidence. He testified they were red, I think. Sustained.

The Witness: Red rubber gloves.

The Court: When I sustain an objection, don't answer.

The Witness: Some of the employees at the plant wear rubber gloves at their work and some don't,

982 but I don't work in the other departments where they wear the gloves. I have seen some wearing gloves. I saw gloves at the Police Station. I made an identification of red gloves. As having been worn by the second man.

Q. Now, when you saw Crump in the locker room prior, wherever it was, did he have an appendage, a hairy appendage below his lip?

A. Yes, sir.

Q. He did at that time?

A. Yes.

Q. And he did this day too.

A. Yes.

Mr. Lee: That is all.

(Witness excused)

983 MRS. ESTELLE BALLIK, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Mrs. Estelle Ballik. I live at 4628 South Troy. I worked at Swift and Company on March 20, 1953.

On that date I went to lunch at about 11:10. I went with Margaret Morrissey and Ann Cvetko. They work with me at the plant.

Yes I am familiar with this map. Our plant is
984 about here. (Indicating the top of the map) We started walking down Exchange Avenue. We crossed these tracks. (Indicating the tracks at Loomis Street) We were going over to Swift and Company to cash our checks. This was sometime after 11:10 on March 20th.

Yes, my attention was attracted by a man coming
985 down the tracks from about here. (Indicating from

Libby's) He was walking toward me. When I noticed this man he was maybe twelve feet from me.

Q. What attracted your attention to him at that point?

A. He had a pair of red rubber gloves.

Q. And anything else?

A. And his hair was standing up.

Q. You saw his hair standing up?

A. As if he pulled something off his head.

Mr. Lee: Strike it, if the Court please.

The Court: Sustained. The Jury is instructed to disregard it.

Mr. Cooney: His hair was how, standing up, did
986 you say?

A. Yes.

Q. Do you see that man in the courtroom today?

A. Yes, I do.—

Q. Point him out, please.

A. Sitting there.

Mr. Cooney: Indicating the defendant, Paul Crump.

Q. When you saw Paul Crump about twelve feet away from you, what did he do, if anything?

A. Well, he was walking.

Q. How close did he get to you?

Mr. Lee: That was answered.

The Court: Are you objecting?

Mr. Lee: Yes, I am objecting.

The Court: Overruled.

The Witness: When I first saw him he was twelve feet away from me. He walked across right in front of us and he pulled off the red rubber glove, we would have bumped right into him if we did not slow down or stop.

987 From the time he was coming from twelve feet away until he almost bumped into me, I was looking at Crump and his face. He passed right in front of me.

Q. Where did he go when he passed in front of you? Can you show us on this chart?

A. He went into this opening where there's a lot of cars.

Q. When Paul Crump passed right in front of you, where were you with reference to the street and the track. Point it out.

A. Right here. (Indicating)

Mr. Cooney: Indicating a point on the tracks on Loomis.

A. Yes.

Mr. Cooney: —and Exchange Avenue?

The Witness: He passed in front of me, he turned in here and that's where he dropped the red rubber
988 glove. Then we could not see him. We walked down here and then came in this building.

There's enough for the car to go in there. We did not see him then.

When we walked down Exchange Avenue, all the way down Packers and it was closer to that corner. Yes, we saw Crump again. He came out from about here. He jumped down this elevated to the stairs.

Mr. Cooney: Indicating a point on Packers Avenue.

The Witness: When Crump jumped down off the runway, I was just across the street here—it's just an opening there where they load trucks, there's a doorway. After he came down he practically was
989 alongside of us for a while. We were crossing the street.

Q. Will you step back and point out where you crossed the street?

A. We came from here and we were crossing kitty corner.

Q. On an angle?

A. Yes.

Q. Where did Crump walk?

A. He came out from here. Well, we were coming this way and he came out and practically walked alongside of us.

Q. Did you look at him at that time?

A. Yes, we did notice him. He did not have his gloves.

Q. Incidentally, where did he go after that?

A. Well, we walked on and had seen him go up toward the L stairs.

Q. Who did you see walk up toward the L stairs?

A. Paul Crump.

Q. And the L stairs are located where?

A. Here.

990 The Witness: When I saw Paul Crump the first time he had on a navy blue topcoat, loose fitting, and navy blue trousers, and a pair of dark navy blue suede shoes. The gloves I mentioned were red.

Q. Mark these please, People's Exhibits 16 and 16A for identification.

(Which items were so marked.)

Q. I show you People's Exhibit 16, Mrs. Ballik, being rubber household gloves of reddish-orange color and ask you to look at it; does that look like the gloves that Crump had on is hands when you saw him the first time on March 29th?

A. Yes, they were that type.

The Witness: After I saw Crump disappear up the elevated, or toward the elevated, I went to lunch.

We went back to the office after we ate lunch
991 at Libby's Wholesale Market.

On our way back to the office we stopped back there to look if he did really drop those gloves and they were laying there, but we did not touch them and we told one of the men that is employed from Swift's.

Mr. Cooney: Did you point the gloves out to anybody?

A. Yes, to this man and he is the one that went back to tell the police at Libby's.

Q. And this was how long after you had seen Crump that you mentioned these gloves to anybody?

A. About 11:30.

Mr. Cooney: Cross examine.

Cross Examination by Mr. Lee.

The Witness: We, Mrs. Morrissey, Mrs. Cvetko,
992 and myself were walking abreast. We went to lunch together.

We did not talk about it at lunch time, but we had been talking about him when we seen him and then we did not speak of the man until we seen him again. Each of us, all three of us, were making comments. It did not last long. We just forgot about it and went to lunch.

Then we saw some commotion around the plant, we saw police around there. We saw squad cars. I
993 could not say how many. I still could not say because we just walked by and we seen the police cars, but we did not stop at the time or pay them close attention.

This man to whom I pointed out the gloves, I don't know who he was.

I know he worked for Swift, but I don't know him by name or where he worked. I have not seen him since.

We talked to the police that day. We gave the police a description. I don't know the police's name.

I arrived here today at about one o'clock. I came over with Mrs. Morrissey, Mrs. Cvetko and our Captain of Police from Swift's, Mr. Spellacy. He escorted us here.

994 When I talked to the State's Attorney I was presented with a transcript of my prior testimony. I read my previous testimony for the purpose of refreshing my recollection.

Mrs. Morrissey, Mrs. Cvetko and I did not discuss it today. We were reading the paper.

On March 20, 1953, after I saw the Police Squad Cars, we mentioned it to one another while passing on the street. Then we did not talk any more about it.

995 We went to lunch. We came back and we saw the glove in the same place where we had seen it before.

Mrs. Morrissey and I work in the same office. That was Friday afternoon. In the office I did not talk about it with Mrs. Morrissey and Mrs. Cvetko because we went back and had to get busy with our work. The three of us never talked about it. If they did, I could not say, but like myself, no. I did not

996 talk about it with Mrs. Cvetko. I did not talk about it with Mrs. Morrissey.

That Friday night, Mrs. Morrissey was at the Police Station at Halsted and 47th before I was. Mrs. Cvetko was not there that night, she has been ill.

Mrs. Morrissey spoke to the police and later I did.
997 The Police asked me questions and took notes and made a report. In my report to the police I mentioned the incident of the glove. I mentioned the incident of the man's hair.

Q. Did you say anything else about hair on his head?

A. I don't quite understand you.

Q. Did you say anything else about hair of the man?

A. You mean the appearance of his hair or his goatee?

Q. Well, what do you mean by goatee?

A. Well, he wore a goatee.

Q. Were you asked if he had a goatee?

A. No, they did not ask us, we told them as we had seen him.

998 Q. You called it a goatee, is that right?

A. Yes.

Q. Just what did you say in the way of hair on the chin of the man? Can you describe it?

A. Well, it came from about here, just a little below the chin.

Q. Beginning at the bottom, near the bottom lip?

A. I did not pay any attention. I could not say.

Q. What color was the hair?

A. The goatee was black.

Q. Was it long?

A. No, just a little below the chin.

Q. How long was the hair on the chin?

A. I could not say.

Q. In your best judgment.

Mr. McGovern: Object, Judge.

A. I still could not say.

The Court: I will sustain the objection. She said she could not tell any more than she has about the goatee.

Mr. Lee: You mean I can't ask her any more questions about it, Judge?

The Court: Ask your next question and I will pass on it then.

399 Mr. Lee: Did you at any time tell the police the length of the goatee?

A. No, sir, I did not.

Q. Were you asked the length of it?

A. No.

Q. And you and Mrs. Morrissey, was it, were questioned together?

A. Well, no, they had been questioning her before I got there. She was in the room being questioned and I came in shortly, about half an hour later.

Q. And then your answers were about the same as hers.

Mr. McGovern: Object, she wasn't there. How would she know?

The Court: Sustained.

The Witness: I work at Swift and Company. I couldn't tell you the name of the street where our office is, because it is in the plant, but it is up a piece, the railroad tracks are just a little ways so I could not tell you the name of that street. We call it an 1000 alley right where our building is. I don't know what direction the alley runs. I could not tell you if it runs north and south.

Q. Can you show it on the chart?

A. Well, there isn't a place there where our building is, sir.

The Witness: When we came out of the place where we worked, we were walking in the alley. We were walking to Exchange Avenue. I don't know what direction Exchange Avenue runs. I believe it's east and west, but I am not positive. I know where
1001 Loomis Street is in the plant. It runs north and south. That is opposite to what Exchange Avenue runs.

Q. Does the alley where you stopped, run the same way that Exchange runs?

Mr. Cooney: Judge, I object. Immaterial which way the street runs. It's a question whether she saw this man or not.

The Court: She said she doesn't know which way the streets run, so I will sustain the objection.

The Witness: Yes, I remember what I ate that day. It happened to be Friday and it just happens that I eat about the same things on Friday.

Mrs. Morrissey and Mrs. Cvetko ate with me. We were standing at the lunch counter. We were gone about half an hour, or twenty minutes or so.

Yes, we saw the Captain of Police at the Station on
1002 Halsted that Friday night. I can't remember his name. I saw him just that once.

The man I saw had on a navy blue topcoat, loose fitted. I couldn't tell you just how long it was. He had on a pair of suede shoes, navy blue. I couldn't tell you what kind of shoe laces. I couldn't tell you what color either. There were laces in the shoes.
1003 The man was hatless I couldn't tell you if he had his collar turned up. I don't remember that.

Mr. Lee: That is all.

Redirect Examination by Mr. Cooney.

Q. Do you know what time Mrs. Cvetko reached the Stockyards Station on that Friday?

A. Mrs. Cvetko wasn't there.

Q. Mrs. Morrissey?

A. Yes, about 7:30.

Q. That would be 7:30 that same Friday.

A. Yes.

Q. Do you remember what time you left?

A. About 10:00 PM that Friday.

Mr. Cooney: Thank you.

Recross Examination by Mr. Lee.

The Witness: I left the Station at 10:00 P.M. Yes,
1004 I gave them my name and address. I gave it to the man that was asking the questions. He wrote it down and he made a record of it. Yes, I previously gave my name and address to some authorities that afternoon.

Q. To police officers that afternoon?

A. Well, the man was dressed in street clothes. I could not tell you if he was a police officer of the Libby employees—

Q. In the afternoon?

A. Yes, the man was dressed in plain street clothes that we spoke to.

Q. When was the next time you were spoken to by anybody in authority?

A. Well, we came into this building about March 26th, I believe, somewhere around there.

Q. Who told you to come?

Mr. Cooney: Object. Beyond the scope of direct examination.

The Court: Sustained.

Mr. Lee: That is all.

1005 (Whereupon an adjournment was taken until Friday, December 9, 1955 at the hour of ten o'clock)

1006 Before Judge Elmer Holmgren and a Jury.

Court convened pursuant to adjournment.

Friday, December 9, 1955, 10:00 A.M.

Present: Mr. Joseph V. McGovern, Mr. Robert Cooney, and Mr. Stephen Lee.

The Court: Bring out the Jury. (The jury is brought into open court.)

Mr. Cooney: Would you call Mrs. Cvetko and have Mrs. Morrissey stand by.

MRS. ANNA CVETKO, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

1007 The Witness: My name is Mrs. Anna Cvetko. I live at 9243 South Sangamon. I am employed at Swift and Company.

I was employed at Swift and Company in the month of March, 1953. I was working on March 20, 1953. I went to lunch at approximately five after eleven. It was about the customary time for me to go to lunch. I went to lunch with the two girls that worked with me in the office; Marge Morrissey and Stella Ballik.

When we left, we were going straight up Exchange Avenue. We were going, first going to cash our checks.

1008 at our Cashier's and then we were going to Libby's to eat.

Mr. Cooney: Could you step down, please?

(Witness complies.)

Q. I am going to call your attention to People's Exhibit 2 in evidence, which is a plat, for the record. You have seen it before, have you?

A. Yes, I have.

Q. And you are familiar with it?

A. Yes.

Q. It indicates Exchange Avenue, you know that.

A. Yes.

Q. With reference to this plat, can you show the general location where you worked at the Swift Company?

A. Here. (Indicating on Exhibit)

Q. All right. Now, are you familiar with Loomis Street, on the map?

A. Yes.

Q. And the railroad tracks there?

A. Yes.

Q. Did you at any time get to that point on the map where the tracks are shown at Loomis and Exchange Avenue at any time; did you get to that point?

A. Yes.

1009 Q. Who were you with at that time?

A. The three of us.

Q. You are referring to this general area, up in here?

A. Yes, I am.

Q. Now, at that time, Mrs. Cvetko, when you got to that point, did you notice anybody unusual.

A. Yes, I did, sir.

Q. Who did you notice?

A. A man.

Q. Have you since learned that man's name?

A. I since have learned his name.

Q. What is his name?

A. Paul Crump.

Q. Do you see Paul Crump in the Courtroom today?

Mr. Lee: There's an objection to calling him Paul Crump at this time. That is merely an opinion. There has been no identification.

The Court: She said she has learned his name. Overruled.

Mr. Cooney: Do you see Paul Crump in the Courtroom today?

A. That man sitting there.

Mr. Cooney: Indicating for the record the defendant, Paul Crump.

Q. Where was Paul Crump when you first saw him? You may use this if you want to point.

1010 A. Right behind the Libby dock.

Q. He was going in what direction?

A. He was going south.

Q. Would that be going toward where you were?

A. Yes, going this way. (Indicating on Exhibit)

Q. And you were coming from this direction, is that right?

A. Yes.

Mr. Lee: Tell the direction.

Mr. Cooney: Can the Jury see the direction we indicated?

Mr. Lee: That is immaterial. She is asked to give the direction and then he turns to the jury.

The Court: The witness will, if she can.

Mr. Cooney: Do you know which direction you were going?

A. Well, we were going, headed east on Exchange, coming from this way.

Q. At the point that you saw Paul Crump—

Mr. Lee: I still say there is an error here in calling him Paul Crump at this time.

The Court: What can he call him?

1011 Mr. Lee: The defendant. That is merely the opinion of the witness.

The Court: Overruled.

The Witness: When I first seen him I was west of the tracks. He was north of Exchange Avenue. I can't judge the distance, but, oh, about to that wall.

Mr. Cooney: Indicating maybe 20 feet for the record.

A. I wouldn't know.

Q. At this point over there?

A. Yes, sir.

Q. Now, when you saw him, what attracted your attention?

Mr. Lee: That's more than 20 feet.

1012 Mr. Cooney: All right, 25 feet. Is that fair?

The Witness: I don't know how many.

Mr. Lee: The Jury knows what it is. Is that fair?

Mr. McGovern: Whatever you say it is.

Mr. Lee: You do it; it's your case, not mine.

Mr. Cooney: Indicating, roughly, 25 feet, for the record.

Q. When you saw Paul Crump for the first time, what attracted your attention to him, if anything?

A. Firstly, that his hair was standing up and that he had on red rubber gloves and that he was walking like, as though he were dazed. I don't know how to express that.

Mr. Lee: Object to that and ask it be stricken. May I have a ruling?

The Court: You will in a minute. Will you give me a minute to consider it?

Mr. Lee: I beg your pardon, Judge.

The Court: Overruled.

The Witness: He was walking as if he were dazed.
1013 I don't know how else to express it. He wasn't exactly walking toward us, coming, he was angular to us.

Yes, I continued walking and looking at him. His face and his gloves and his clothes in general.

He had a blue coat on, blue trousers and suede shoes and reddish rubber gloves. Yes, the first time I saw Paul Crump he was about this far (indicating 25 feet) from me.

Q. How close did Paul Crump come to you, if you know?

A. I can't exactly say.

Q. Can you tell us in your own words how close he came?

Mr. Lee: Why don't you let the lady sit down?

Mr. Cooney: Yes, I am sorry. Thank you, sir.
1014 A. He passed directly in front of us, in front of me, of us.

Q. And were you watching him as he approached?

A. Yes.

Q. What were you looking at?

A. Just the man, his face and there was—

Q. How close did he come, how close did you come to—

Mr. Lee: That's repetition.

The Court: Well, she said he passed right in front. If she can fix it any better, I will let her answer.

Mr. Cooney: Tell me when it was when Paul Crump got the closest point to you. (Pacing the distance)

A. All right.

Q. This is the closest Paul Crump came to you.

A. He was facing this way then.

Q. Did he look at you or say anything to you?

A. No, he did not. He didn't even notice.

Mr. Lee: She indicated with her hands.

Mr. Cooney: You tell us now, then.

The Witness: He went from my left to my right. He was walking in front of us, sir. He did not look
1015 at me when he crossed in front of me. As he walked toward me and crossed in front, he was tearing at his gloves or trying to get them off.

Yes, I did see where he went, when he passed in front of me. There's an opening where they ice cars and he went to that opening. I saw him go to that opening. At that point he dropped or threw the gloves. I seen him then, but then he went in. I don't know whereabouts, after that I could not see him. We went down the street.

Mr. Cooney: I would like to have you step down. Did you say this is Loomis Avenue, is that right?

A. Yes, sir.

Q. Did you tell us that Paul Crump was going in this direction?

A. Yes.

1016 Q. That he passed you while you were at Exchange Avenue, is that right?

A. Yes, about the center of the street he passed us.

Q. Did he then continue in this direction? Indicating a southerly direction.

A. Yes.

Q. You tell me when to stop on this map, when Paul Crump threw these gloves you speak of.

A. Right at the opening, right there. Where that double space is, that little narrow space.

Q. Right in here?

A. Yes.

Mr. Cooney: Indicating a point at the—well, I guess it would be the northwest corner of a building marked on this map Swift and Company Wholesale Market.

A. It's the market.

Q. At this point right in here.

A. Yes, but right in the opening a little bit over there.

Q. This way?

A. Yes.

Mr. Lee: Indicating what?

Mr. Cooney: A point—

A. Right where the opening begins.

1017 Mr. Cooney: I am trying to describe it, Judge.

Mr. Lee: You are not supposed to describe it.

Mr. Cooney: Is it sufficiently clear?

The Court: Indicating a point on the upper right, the very tip of the upper right hand corner of the building described in People's Exhibit 2 as what is that?

Mr. Cooney: Swift and Company Wholesale Market.

The Court: Swift and Company Wholesale Market.

Mr. Cooney: Thank you, Judge.

Mr. Lee: Thank you, Judge.

After Paul Crump had thrown these gloves we kept going down Exchange Avenue. Yes, we did walk the 1018 entire length of Exchange Avenue. We were going

to our cashier's and cash our checks. Yes, that is around somewhere on Packers Avenue. We made a right turn on Packers; we crossed that street angular, kiddy-corner.

Yes, I did see Paul Crump again after the first time I saw him. At the other, the east end of that same—

Mr. Cooney: Maybe it would be better if you came down here. Could you tell the Court and jury where you saw him?

A. We came down here and cut across this side, like that and went this way.

Mr. Cooney: Indicating a point—

The Witness: He came out here, I don't know where. For just that time when we came around here, he was almost actually with us. With the three of us together, that distance from us, right there.

Q. Can you describe if he had anything different about him at that point?

A. He did not have the gloves on.

Q. You mean the red gloves?

A. That's right, sir.

Q. Where did he go then? Did you see where he went?

A. He cut across, as we were going across here he came across, but he came in front of us then; for a while he was right with us and then he was right in front of us.

Q. What were you doing, how were you walking?

A. We were walking and I was looking at him.

Q. Where were you looking at him, what part of him?

A. At the whole of him, at his hands because I noticed the red gloves and his face. At the whole man.

Q. Did you see where he went?

A. Yes, he came over here and went this way.

Mr. Cooney: Indicating now south for the record. Did you see where he went?

A. He went, as far as I seen, to the L stairs, and I turned into the Cashier's office.

Q. Can you indicate where the Cashier's office is?

Indicating the top of a point where the building is marked Swift and Company, for the record.

Q. You went in and cashed your check, did you?

A. Yes.

Mr. Cooney: Resume the stand.

(The Witness) We had lunch at Libby's and then we walked back to, down Exchange Avenue, west on
1021 Exchange Avenue again, just as we did coming up. We walked down and when we got to the end there we took a look to see if the gloves were there where we had seen him throw them.

Yes, there were some gloves there. That was at the point I had seen Paul Crump throw them.

Yes, there was a man standing near there, a Swift's man and we told him that we had seen a fellow throw some gloves there and we took him and showed him, but we did not touch the gloves.

Q. I show you what has been marked People's Exhibit 16 and 16-A for identification and ask you if these look in size and color like the gloves you saw Paul Crump throw on March 20, 1953.

A. It looks like them to me.

Mr. Cooney: Cross examine.

Cross Examination by Mr. Lee.

1022 (The Witness) I wouldn't know if there were any other people in the place cashing checks when I was there with Mrs. Morrissey, but there usually are. Yes,

there were other people in the lunch room where we had lunch; I wouldn't know how many. I haven't any idea. There were more than ten, but I would not say how many, other than more than a few. The restaurant has no seating capacity; standing capacity. Yes, there was standing room for many. I wouldn't know how many.

1023 I was walking east on Exchange Avenue when I first saw the man drop the gloves. The two girls that were with me were on the street and I would not know if there was anybody else on the street. I did not notice any vehicles in the street.

Q. There were trucks moving by there.

A. Well, we had to get off the street, they wanted

1024 to move by.

Q. And automobiles as well as trucks.

A. No, all I know, I didn't notice any that day. I just don't know.

Q. You didn't notice any people that day?

A. No.

Q. And you did not notice any people—

Mr. Cooney: Object to that. She said she noticed Paul Crump that day.

Mr. Lee: Other than the defendant?

The Court: Sustained.

(The Witness) I did not notice any people on the street other than Paul Crump. I could not say positively if there were any vehicles or any traffic on the roadway.

I have seen Paul Crump before. I saw him at the

1025 other trial. Yes, I have seen pictures of him. I saw the pictures in an office by Mr. Bloch in this building. There were other persons in the pictures besides this

defendant. I believe there were four or five. I could not say exactly.

I made a report to the man I saw that day, I told him about the gloves. That was after I had my lunch. I was not at lunch for half an hour. Mrs. Morrissey, Mrs. Ballik and I ate together.

1026 Going back after lunch I did see people on the street on Packers Avenue. There were vehicles in the roadway. I don't know if the traffic was congested at that time. We walked on the street.

There was some kind of commotion. I wouldn't know. We just came back. I did not see Police Squad Cars.

My two companions and I did not talk about it while 1027 we were eating. We mentioned the matter to one another when we decided to go and look at the gloves. The man, Paul Crump, wasn't there when we went to look for the gloves.

We didn't discuss the subject of his apparel. It was not mentioned by me at that time. At noon on the 20th of March, 1953, no one asked about the wear- 1028 ing apparel of the man. Later that afternoon in my office I was talking to a plain clothesman but I don't recall if he asked about the clothing. To tell you the truth, I don't recall anything I was asked. I don't remember what I said; I am not positive.

The next time I described the man to anybody was not until I was called down to Mr. Bloch's office, I guess it was, to see that picture. I was called down because I was home ill. I did not go any place in between. I was called down between the 19th of May 1029 and the 26th, I could not tell you exactly the day, sir. From March 20th when I spoke to the detective in my office until the month of May, I spoke to no one about

it. I did not talk about it when I came over here to Mr. Bloch's office with Mrs. Morrissey and Mrs. Ballik, not to one another. I did not discuss with them the clothing.

I am sure the man had on a dark suit, in fact, it was navy blue. That was March 20th. I wouldn't
1030 know if it was a heavy coat. I wouldn't know if it was a lightweight coat. I don't know if it was an overcoat or topcoat. The shoes were suede. I didn't look at the shoe laces. I don't know if the shoes were clean or dirty, except they were suede shoes. I did not notice any dirt. I am sure the coat was navy, overcoat.

The day I came over to call at the office of Mr. Bloch,
1031 I was asked by Mr. Bloch to look at pictures. He showed me two pictures. I don't know if there were four or five persons in the first picture. This was between May 19th and the 26th; somewhere in there. Yes, approximately two months later. I don't know if there were the same amount in the second picture that was on the first. I would not know, I think they were the same number of men on the first picture as on the second, but I am not positive right now. There
1032 were more than three. It seems to me it was a group picture.

I came here yesterday and I spoke to Mr. Cooney. I looked at a transcript of my prior testimony on Monday of this week. I believe it was on the 2nd floor
1033 here. Mr. Cooney was there. I just read it. I talked to Mr. Cooney, but not about that. Besides myself, there were present the two girls I was with, Mrs. Morrissey and Mrs. Ballik.

I did not go to the Police Station on March 20th. I don't know where Mrs. Morrissey went. I am sure

Mrs. Cvetko and I did not go the Police Station.

1034 I told you they were plain clothesmen that came to the office and talked to me on March 20th, no, not policemen.

I don't know if his walk was normal. Yes, I did see him walk. He walked like any other person. He was hurrying but he wasn't running. Yes, just walking fast. No, my two companions and I were not walking fast.

When we first saw him we were at an angle to him.

1035 We were coming from the corner building and he was coming from behind the opposite corner, the other building.

Mr. Lee: That is all.

(Witness excused.)

MARGARET MORRISSEY, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

(The Witness) My name is Mrs. Margaret Morrissey. I live at 4452 South Hamlin Avenue. I am a clerk typist for Swift and Company. I have been with Swift and Company almost fourteen years.

1036 On March 20, 1953, I went to lunch about seven or eight minutes after 11:00. I went to lunch with Mrs. Stella Ballik and Mrs. Ann Cvetko. We went to cash our checks and then we were going to Libby's to eat. We were going to cash our checks over at Swift's Cashier's Office. We have our own cashier on Packers Avenue.

As we go over to cash our checks, we go down Exchange Avenue to Packers. Yes, as we go down Ex-
1037 change Avenue, there are railroad tracks that we cross. The tracks would be on Loomis Avenue. They are referred to as the Loomis tracks. Yes, as we got to Loomis we could see Exchange Avenue.

Q. You were at the track there, were you?

A. Yes.

Q. Did you notice anybody at that time?

A. Well, we noticed a man coming from in back of Libby's.

Q. How far away from you was this man when you noticed him and if you know, what distance—point to some place in this Courtroom.

A. Maybe about to the end of where the Jury sits.

Q. As far as here?

A. About there, maybe where the plat is.

Mr. Cooney: Would you rather estimate it, Judge? For the record, maybe 25, 30 feet.

The Court: I would say between 25 and 30 feet. Am I right about that, Mr. Lee?

Mr. Cooney: Roughly, 25 or 30 feet. And when you saw this man was he running or walking?

A. He was hurrying, but he wasn't running.

1038 Q. What attracted your attention to him?

A. Well, he was pulling off a rubber glove and he had a goatee.

Mr. Lee: I object to "goatee," Judge. "Goatee" she said.

The Court: What's wrong? What's the reason for your objection?

Mr. Lee: Well, the word "goatee" connotes—if she said he had hair on the chin—I don't know what a goatee is. It could be six feet long and bushy, and

so forth. It has to be a distinction.

The Court: I will sustain the objection.

Mr. Cooney: Can you tell the ladies and gentlemen of this Jury what you mean by goatee?

A. Well, it's just hair on the chin, continues from the mouth and comes down over the chin.

Q. Was there anything else unusual about this man?

A. He seemed to be in a state of shock, like he was dazed.

Mr. Lee: Objection, if your Honor please.

The Court: Overruled.

Mr. Lee: "He seemed" she said.

The Court: Well—

Mr. Lee: "He seemed to be in a state of shock".

1039 The Court: Overruled.

Mr. Cooney: Can you describe the man any further?

A. Well, he had, seemed to have nice clothes on and he had these red gloves on and they just did not seem to go with the clothes he had.

Mr. Lee: Object.

The Court: It may go out. Sustained. Just describe the way he was, the way you saw him.

(The Witness) He had a blue coat on, he had dark blue pants and dark blue suede shoes, very dark shoes and he had these red rubber gloves on.

Q. Was there anything peculiar or unusual about his face, at all, or his head?

A. Well, his hair was standing up real straight, like he had pulled off his hat real quick, and his hair was kind of long.

Mr. Lee: I ask it be stricken.

The Court: "His hair was standing up straight"

may stand, but the rest is out. They Jury is instructed to disregard it.

1040 Q. Now, this man that you saw on that date, do you see him in the Courtroom today?

A. Yes, sir.

Q. Point him out, please.

A. That man right over there.

Mr. Cooney: Indicating for the record, the defendant, Paul Crump.

(The Witness) The first time I saw him he was to the left of me. He was going toward the south. He was coming from in back of this building and he was going toward the south. We were walking that way and he was more or less going toward us. We just almost bumped into one another. We were just walk-

1041 ing and looking at him. I was looking at his face and his clothing.

He walked right in front of us and we had to stop a minute or he would have bumped into us. He did not look at us, but we were looking at him. He seemed to be walking more in a straight line. Well, he could have been walking on Loomis along the Loomis tracks. I don't recall whether he was on the tracks or off of the tracks.

1042 We continued to walk down Exchange. He passed right in front of us. We had to stop.

Q. You tell me when to stop when I get to the approximate distance, as I pace in front of you now. (Pacing distance)

A. Just about there, about like that, maybe a little closer.

Q. How close? Tell me when to stop.

A. About like that.

The Court: Indicating a distance of about 3 feet.

A. Well, maybe a couple of feet, because we stopped right there so we would not run into him.

The Witness: No, Crump did not stop at that point. He just walked right on over and by that time he had gotten his gloves off and he dropped at an opening there that we have where the railroad cars go in to be iced.

1043 He had on gloves and he was pulling them. Yes, I saw where he threw the gloves.

He threw them at this opening between the Wholesale Market, Swift's Wholesale Market. They have an opening there where they run trains, boxcars in there to be iced.

No, I could not see where Crump went after he threw his gloves, because he went in this opening, so we did not see him any more. On one side of the street is the Wholesale Market and on the other side is a loading ramp where they load trucks and cars.

1044 The ramp goes the entire length of that building.

After we saw Crump throw the gloves, we continued on over Packers Avenue. Yes, we did see Crump after that. He jumped out of the door on Exchange that came from the opening. When he jumped out of that opening we were right at Exchange Avenue, cutting on an angle over this way, to the Cashier's Office because the Cashier's Office was a little off Exchange and we kind of cut on an angle.

When we saw Paul Crump jump out of this opening, for a while he walked just about along with us.

Q. How close was he to you?

A. A few feet.

Q. Tell me when to stop, when you think it is a few feet. (Pacing distance)

A. Maybe about like that.

1045 Mr. Cooney: Indicating maybe 4, 5, 6 feet for the record.

The Witness: He walked with us and we got to the sidewalk, then we went into the Cashier's Office and he went on up the street. That was on Packers Avenue, on the sidewalk.

The gloves were reddish gloves, just sort of household gloves like I wear around the house.

Q. Do they look and resemble in size and color People's Exhibit 16 and 16-A for identification?

A. They look like that.

Q. You had lunch, did you?

A. Yes.

Q. Did you tell anybody about that glove?

A. Well, after we got our checks cashed we went over to Libby's. Everything seemed to be in a turmoil, there was a lot of excitement around and we were trying to find out what was going on and we
1046 heard there had been a hold up, so we did not have too much time and we had to go back to work then.

Q. Did you ever see a glove or anything like this that looks like People's Exhibit 16 and 16-A?

A. Yes; after we went back to work, Mrs. Balik suggested to me to see if the gloves were still there and we just walked over and looked and there was a glove torn up and thrown right down there.

Q. You knew this is Exchange Avenue, you know this is Packers Avenue; does that orient you a little bit?

A. I know about where it is.

Q. Will you show to the Jury where you saw Crump throw these gloves?

A. Right about in here.

1047 Mr. Cooney: Indicating an opening at the right-hand corner on the top of the building marked "Swift and Company Wholesale Market."

A. Yes.

(Witness indicated on Exhibit where she saw Crump after he had thrown the gloves)

1048 Mr. Cooney: Indicating, pointing at the lower right hand corner of the building marked Swift and Company Wholesale Market.

You may resume the stand.

The Witness: Yes, about a week later I was in this building on the 26th or 27th. In this building I saw Paul Crump, I saw him at the show-up. They brought 1049 several men in and we had to look at them and see if we could identify the man we had seen that day. At the time of this show-up there were six negro men. 1050 Yes, at that time I saw the man I had seen previously on March 20th. It was Paul Crump. He was the fifth man to come out. Just as soon as he walked in the door I recognized him.

Mr. Cooney: That is all. Cross examine.

Cross Examination by Mr. Lee.

The Witness: The show-up was somewhere close to the noon hour. I don't know whether it was just before or just after, because we had been—I just don't recall the date, but it was either the 26th or the 27th. 1051 I came down here that day with Mrs. Stella Ballik.

No, there was not a line-up when we entered. We were in there when they brought them in. Then I saw six men walk in the room.

I don't know it was the same men or not that I later heard in a courtroom like this.

I did not know the names of the other persons. I have not seen those other persons.

1052 I don't know if I found out about the robbery when I was eating lunch or after. There was so much excitement going on, I don't know whether it was at the time we were eating, that we had a bite to eat, and we heard the excitement, and we were trying to find out what was going on.

Q. And you and Mrs. Ballik and Mrs. Cvetko were in common agreement as to the description of the clothes.

A. Yes.

Mr. Cooney: Object.

The Court: I don't understand it.

Mr. Lee: You and Mrs. Cvetko and Mrs. Ballik agreed as to the clothing.

Mr. Cooney: I object. Asking for her conclusion.

The Court: Sustained.

The Witness (continuing): No, I did not talk about it with Mrs. Cvetko and Mrs. Ballik. We just were talking but I don't know about the clothing or what. I don't recall that. I guess we were talking
1053 about his throwing the gloves off. When we were coming back from lunch, we were just discussing it.

The man had on a dark blue coat, kind of loose fitting coat and had dark blue pants, looked to be suit pants, and he had very dark suede shoes, blue suede shoes. Yes, I gave that description to the police when we went back. I gave it to Libby's own
1054 police agent or to some policeman at the Stockyards Station later that evening.

The first time I gave a description I was still in the company of Mrs. Ballik. We went back to our work and we told the foreman and he told us to go back over to Libby's. Well, when we walked in, the foreman came right in after us. Yes, we immediately told the foreman.

The two other ladies and myself in the same office. Well, I don't know what street it is on in the Stockyards because wer are on the inside office and I don't know what street it would be, whether it is an alley, but we work in an inside office so we are not on any street.

1055 I don't know what street the building is on.

After I talked to my foreman, Mrs. Ballik and I went back over to Libby's. Mrs. Cvetko stayed in the office.

We talked to some police at Libby's. Yes, I gave
1056 a description to the Police at Libby's. I don't know if they were Police of Libby, McNeill and Company, because there were police from the outside and all over.

It would be shortly around 12:00 o'clock, around 12:00. I can't remember the particular policeman. There were so many around I don't know who I talked to. Yes, I went to the Stockyards Police Station. That was around 5, 5:30 in the evening when I went there.

Yes, I saw Captain Reynolds there. Yes, I gave
1057 Captain Reynolds a statement and description. It was around 7 or 7:30 when I left there.

Mrs. Ballik was there when I walked out of the room and gave the statement. She wasn't there when I first got there. I saw her when I went home. She was still there.

Q. And when you reached the station, the man you saw at the station, Captain Reynolds, already knew about the subject of what you had—

Mr. Cooney: Object. That asks for a conclusion.

The Court: Sustained.

The Witness (continuing): He just asked us what
1058 we had seen and, of course, he asked us, asked me to tell him what I had seen there because I had seen and described the man. I just told him the description and told him how we had gone over to Libby's and that was all.

I gave him a description of the clothing he wore, his goatee and how his hair was standing up, and his general appearance as we seen him that day.

The goatee was a heavy growth hair on the chin. I couldn't say how heavy it was, I don't know, it was prominent. It was pointed, showing a little of the chin, up the side would be showing, but it was from the mouth down, just below, coming to below the chin a very little bit.

Yes, I noticed the clothing of the man when I saw him throwing the glove down. Then I noted again the
1059 same clothing when we were closer to him. Well, as he was walking along we noticed the rest of his clothing and appearance. You could see him even before he got right up to us, you could see they were dark shoes and as he got right up to us, you could see they were very dark blue. It was suede because I have some suede slippers myself and I have seen a lot of suede shoes. I don't know that they were laced.

Mr. Lee: That is all.

(Witness excused)

1060 JOHN NEIL, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is John Neil and I live at 7253 South Rockwell, I am a police officer for the City. I am assigned to the 18th district and was so assigned on March 20, 1953. Yes, sometime around noon I went over to Libby, McNeill and Libby's. Yes, sometime in the afternoon I had the occasion to go to the vicinity of Exchange and Loomis.

1061 We found two rubber gloves. No, they were not together when we found them. Well, there was one torn glove at the train shed there at Exchange and Loomis, and a whole glove was between 50 or 75 feet inside the train shed. Yes, I have seen People's exhibit 16 and 16-A for identification. I know I have seen that particular glove because when I picked it up I initialed it JN.

1062 The J is for John and the N is for Neil. As soon as I picked them up I put my initials on that glove, exhibit 16 and 16-A at the time I found them at the area described. Yes, those are the gloves. One was a whole glove and one is a piece.

That s correct, there are two pieces of 16-A that is what I found. That one isn't a complete glove. It was in the ripped and torn condition it is now when I found it.

Mr. Cooney: Meaning 16-A, for the record. Cross Examine.

Cross Examination by Mr. Lee.

The Witness: I picked the gloves up on a piece of
1063 paper and put them in my pocket. I kept them in my pocket until we got through with the investigation. I would say we were through an hour later. After that hour, we went into the Police Station. Then I took them out of my pocket. I turned them over to Captain Reynolds. That was Friday afternoon, March 20, 1953. That was the end of the matter as far as I was concerned for that day.

1064 I turned them in to Capt. Reynolds and I don't know what he did with them. That was the end of the matter as far as I was concerned.

Mr. Lee: That is all.

Mr. Cooney: Step down.

(Witness excused)

Mr. Lee: Officer Neil, if you please.

The Court: He wants to ask you another question.

Q. You saw the girls there that day, didn't you, Mrs. Morrissey, Mrs. Cvetko, and Mrs. Ballik?

A. I did.

Q. And you had a conversation with them, didn't you?

A. I did.

Q. Did you receive from them a description of the
1065 person that they said—

Mr. Cooney: Object. Beyond the scope of direct examination.

The Court: Sustained. There wasn't anything brought out on direct examination.

Mr. Lee: I asked him if he talked to them and he said he did.

The Court: I know, but you are bringing that out on cross examination. What he testified to was the finding of the gloves. If you want to later on call him as your witness, that's your privilege.

Mr. Lee: I will make him my witness right now.

Mr. Cooney: I object, if the Court please.

The Court: You can't. The State is putting him in their case.

Mr. Lee: We will get him back later if we want him.

WALTER TYZKIEWICZ, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

1066 The Witness: My name is Walter Tyzkiewicz and I live at 5022 South Morgan. I am a plant policeman at Swift and Company. I was a plant policeman at Swith and Company on March 20, 1953.

Shortly after 11 o'clock on the morning of that date, I was sitting on the 2nd floor of 31 building. It was the police office at the time. I happened to be just looking out the window at that time. I noticed a green truck parked across the street by one of the Swift
1067 buildings. It had the lettering of H. A. Pickett on it. I had seen that truck many times before.

The truck is owned by a steady customer of Swift and Company named Pickett. I had seen Mr. Pickett many times before. When I saw this truck parked out there on that date, I did not see Mr. Pickett at that time.

Shortly after 11:00 o'clock I noticed a man ran from Libby's stairs across the right side of the truck.

in front of the truck, over to the driver's side, carrying a small metal box. He opened the door, threw it on the seat. He started up the truck and drove away
1068 at high speed. That was not Mr. Pickett

The man who jumped into the truck with the box wore a dark, either brown or tan jacket with white pin stripes, four inch squares. He had an old crushed hat. The brim of his hat hid his face from me.

At the time, I was on the second floor, 31 Building looking down at an angle. I did not see his face. It was a dark metal box.

He went south on Packers Avenue. No, I don't know who that man is or was.

1069 Q. I ask you to look at People's Exhibit 11 for identification; does that look like the box, generally, as far as size and shape?

A. That's right.

Q. Of course, you could not tell whether it was broken or not at the time?

A. No.

Q. I show you what has been marked People's Exhibit 17 for identification and ask you to look at it; is that the truck you saw this man in, the brown checked coat, jump into?

A. That's right.

Mr. Cooney: Cross examine.

Cross Examination by Mr. Lee.

The Witness: When I saw that it was about 11:10
1070 AM. I was looking onto Packers Avenue. Yes, there were people cross and stuff like that.

Q. A lot of people going around at that time, walking back and forth?

A. Yes, sir.

Q. And a lot of vehicular traffic in the street?

A. Yes.

Q. The same as usual, people going—

Mr. McGovern: I object to "same as usual."

The Court: Sustained.

The Witness (continuing): I did see people going back and forth. I did see vehicle traffic in the street. No, I have not seen the man that threw the box in the truck since.

The jacket that he had on was either dark brown or dark tan.

Mr. Lee: Nothing further.

Mr. Cooney: That is all. Thank you, sir.

(Witness excused)

1071 (Whereupon a Recess was taken until 1:30 PM same date)

1072 Before Honorable Elmer Holmgren and a Jury.

Court convened pursuant to recess; 1:30 PM December 9, 1955.

Present: Mr. Joseph V. McGovern; Mr. Robert Cooney and Mr. Stephen Lee.

Mr. Cooney: Would you call Mr. Dietrick and have Mr. Hartman standing by.

EDWIN W. DIETRICK, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness. My name is Edwin W. Dietrick. I
1073 live at 8206 South Hermitage. I am a police officer assigned to the 10th District, or Grand Crossing. I have been with the Police Department for 15 years. I was a Police Officer in the 10th District on March

20, 1953, on March 21st, in the early hours. Sometime during the day of March 20th I received a radiogram. I received a call to go to 7400 South Wabash Avenue. We received the call at 1:23. It was in the
1074 afternoon, PM, right after lunch on March 20, 1953.

Shortly after 1:23 we went to 7400 South Wabash Avenue. I saw a truck there. The truck was parked right at the corner of 7400 and Wabash Avenue.

Q. I show you People's Exhibit 17 for identification and ask you to look at it; does that picture truly and correctly portray the truck you saw parked at that address?

A. The truck is in the identical position it was when I saw it.

Q. At the time you saw the truck?

Mr. Lee: That's wasn't the question.

The Court: Answer the question. (To reporter) Read the question.

(Question read)

The Witness: That is the picture of the truck we saw on the corner of 7400 Wabash Avenue. It is in the identical position that the picture shows.

1075 The Court: And is it a true and correct—Is this picture People's Exhibit 17 for identification?

Mr. Cooney: It is number 17 for identification.

The Court: —that you just looked at, is that a true and correct representation of the truck as it was on that day?

The Witness: That's right, it is.

Mr. Cooney: The time you saw the truck, did you notice there were ignition keys in the truck?

A. The keys was in the ignition lock.

Mr. Cooney: Cross examine.

Mr. Lee: May I see the picture?

(Mr. Cooney hands People's Exhibit 17 for identification to Mr. Lee.)

Mr. Lee: Will you take the stamp off, please?

Mr. Cooney: Yes, before we show it to the Jury.

Mr. Lee: I object to the picture.

The Court: They haven't offered it yet.

Mr. Cooney: I will now at this point offer in evidence the picture, People's Exhibit 17 for identification and ask it be received in evidence as People's Exhibit 17.

1076 The Court: What's the reason for your objection, Mr. Lee?

Mr. Lee: It is just a mere picture of any kind of truck and the jury knows what a panel truck looks like. They can visualize the truck without having a picture.

The Court: If that is the sole reason of your objection, I will overrule the objection and it will be received in evidence as People's Exhibit 17.

Mr. Lee: It has nothing to do with this defendant.

The Court: It may be received in evidence as People's Exhibit 17.

1077 The Court: You will remove that marking.

Mr. Cooney: Yes.

The Court: Any further cross of this witness, Mr. Lee?

Mr. Lee: Yes, if you please, Judge.

The Witness: I was with other officers. Yes, I saw other officers come there later. We had three cars assigned to our district on that particular day and there were two uniformed cars. They were both there and also a car from the Crime Lab, and officers from the Detective Bureau came out.

I would not know who the officers from the Detective Bureau were. One was Lieutenant Pape; that's the only one I knew.

1078 I am a plain clothesman. I am a detective.

Q. You said a minute ago that the Crime—what did you say about Crime Lab?

A. The Crime Mobile Unit. They have a mobile unit that they send out when there's a wreck or call.

Q. Who was the Chief of all the Detectives in the City at that time?

A. That I could not say.

Q. Who is the Chief of the Detective Bureau today?

A. I don't know.

Q. Of the officers from the Detective Bureau that you saw, did you see at that time anyone that you could have identified as the Chief of Detectives?

A. No.

Mr. Cooney: Object. Immaterial.

The Court: He has answered "No."

Mr. Lee: Who did you see on the Mobile Unit?

1079 A. A couple of officers assigned to that particular car, that's all. I could not call them by name.

The Witness (continuing): I stayed at the scene about 45 minutes to an hour. The truck was taken away. I imagine it was taken downtown. Lt. Pape ordered it downtown. I would not know who took it downtown.

Q. Do you know the names of any of the men on the mobile unit?

Mr. McGovern: Immaterial.

Mr. Cooney: Objected to, having been answered.

The Court: He said he did not know, if I heard right. Sustained.

Mr. Lee: Let me see the picture again.

(Mr. Cooney hands Exhibit to Mr. Lee)

The Witness (continuing): A flash bulb went off. No, I did not see a photographer take a picture. I could
1080 not see who took the picture. There were a couple of them, in fact. The flash bulb went off in back of me. That's the only way I can explain it to you. That was in the afternoon, 1:25, 1:30, something like that.

No, I did not see any of the men from the mobile unit do anything to the truck.

I was in a Squad Car at the time of my arrival. I got out of the Squad Car. I walked about in the vicinity of this truck.

1081 Q. And you kept your eye on the truck?

A. Mainly to keep people away from the truck.

Q. No. You kept your eye on the truck.

A. The truck, yes, that it wasn't touched by any of the people around there.

Q. That's right. You saw that nobody would touch the truck.

A. That's right, other than the man assigned to do the necessary work they were supposed to do.

Mr. Lee: That's what I am driving at, in regard to that last, the necessary work that they were supposed to do. That was done there, was it?

A. Yes.

Mr. Cooney: Object. He was asked if this was the truck.

The Court: Sustained. He would not know whether it was or not I don't suppose.

Mr. Lee: He has knowledge of something if he says that, Judge. We want to know the truth. We want to know what is in his mind.

Mr. Cooney: I submit you are getting the truth, Judge.

Mr. Lee: And all of it.

1082 The Witness (continuing): Yes I received instructions as to the object of my guarding the truck. Those cars are equipped with two radios and we received an alarm call to be on the lookout for this particular truck bearing License B-127669. That was a truck stolen from the Packing House used in the stick-up down there.

Those are the only instructions we had, to be on the alert, if we saw this truck, and later on we received a call what appeared to look like and proved to be this truck.

1083 I received additional instructions to watch the truck where we were supposed to and it was taken over by men that handle the case. Lt. Pape was in charge of it and as soon as he arrived on the scene, he took over the whole proceedings and we took care of the crowd and kept them back. That's all.

No one touched the truck in my presence. I was performing the duty to which I was assigned.

Q So nobody touched the truck?

Mr. Cooney: Object to it.

The Court: He has already testified that no one touched.

Mr. Lee: That is all.

(Witness excused)

1084 HENRY HARTMAN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is Henry Hartman. I live at 7132 North Olcott. I am a Police Officer, Sergeant of Police,

Police Training Division. In March, 1953 I was assigned to the Robbery Detail.

1085 On March 20, 1953 I did have the occasion to go over to Libby, McNeill and Libby Company. I got there shortly before 11:30 A.M.

Yes, I have seen People's Exhibit 12 for identification, being a pipe, and the taping that has been marked People's Exhibit 12-A. Yes, I found them. I found them in Building A on the 3rd floor of Libby, McNeill and Libby Company.

Q. Would you come down here, maybe you had better bring the pipe with you. Can you tell the Court and the Jury—first, have you seen this exhibit before? Are you familiar with it, somewhat?

A. Yes.

Q. You know this is Libby, McNeill and Libby and these are various designated buildings; can you tell the Court and the Jury, or point to the place in the building you were in when you found this pipe?

1086 A. I was in this building in here.

The Witness (continuing): In Building A, on Floor 3, it was possibly, on the diagram there, to the left part of the building in about the center, just about where A is marked on the plat there, that I found the pipe. There was a group of trucks in the area there and it was underneath one of these hand trucks. The truck probably was 5 or 6 feet in length and had two handles on each end and it was a 4-wheel truck.

At the time I found this pipe it was taped. The 1087 complete barrel was taped up from one end to the other; completely covered with tape. I initialed the tape. Here are the two ends of the tape I initialed. The initials on there are H. I did that sometime in the afternoon of March 20th at the 18th District.

Mr. Cooney: That is all. Cross examine.

Cross Examination by Mr. Lee.

The Witness: When I arrived at the Stockyards
1088 that day, it must have been shortly before 11:30 AM. I arrived with my partner, Officer Cooper. I encountered quite a number of police officers while I was in the area. Yes, they came from the 18th District and from down town.

Q. And they also came from that District that adjoins the 18th?

Mr. Cooney: I object. This man was asked what he did, not what somebody else did. Beyond the scope of direct.

The Court: Sustained.

The Witness (continuing): I kept Exhibit 12 and 12-A until I turned them into be inventoried at the 18th District. I gave them to the Desk Sergeant. I don't recall what his name was. That was the last
1089 I saw of them that day.

I saw the Exhibits a couple of days later in the Crime Laboratory.

Q. Did you see some policeman working on them?

A. No, he asked me to—

Q. Did you see anyone working on them?

A. Yes.

Mr. Lee: That is all.

Mr. Cooney: That is all.

Q. What did you see them do as far as the pipe is concerned?

A. I saw the officer take the tape off. I was there when the tape was taken off.

Q. Did you see the bar in its stripped form, as it is now?

A. Yes, I did.

Mr. Cooney: That is all.

(Witness excused)

1090 LORRAINE LITTLE, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

My name is Lorraine Little. I live at 3939 Lake Park, Chicago. Yes, I am married now. During the month of March, 1953, I was not then married. My
1091 maiden name at that time was Yarbro.

On March 20, 1953, between the hours of 11:00 and 12:00 o'clock, I saw a man by the name of Eugene Taylor. At that time I was living at 7408 Indiana.

Yes, I was at home at 7408 when I saw Eugene Taylor. He had on a jacket and hat. Yes, he came into my house. He had a cash box with him.

1092 Yes, People's Exhibit 11 looks like the box I saw in Eugene Taylor's possession. No, it was not dented and opened. It was locked.

It was opened by Eugene Taylor with a hammer. Two Thousand Nine Hundred Dollars was in it. I was
1093 there when it was opened. It was put in an overnight case. I put it in there.

Q. I show you what has been marked People's Exhibit 18 for identification and I ask you to look at this; was this the overnight case you had?

A. Yes.

Q. And was that the case you put the money in?

A. Yes.

Q. Did you put anything else in this overnight case?

A. I put the gun in there.

Q. You say you put the gun in there—

A. Yes.

Q. You say you put the gun in there—

A. Yes.

Q. Where did you get the gun?

A. Out of the jacket.

1094 Q. Whose jacket?

A. Eugene's.

Q. Eugene Taylor's jacket.

A. Yes.

Q. Now, I show you what has been marked the People's Exhibit 6 for identification, and I ask you to look at it. Does that look like the gun you took out of Eugene Taylor's jacket?

A. Yes.

Mr. Lee: Let me take a look at that. I haven't seen it. That isn't in evidence yet, is it?

Mr. McGovern: No.

The Witness: I did not put anything else in that particular box. Yes, I saw bullets. I think they were in Gene's jacket.

After I put the bullets, gun and the money in the 1095 overnight case, I put it in my closet. I put it in a box and put it on the shelf.

Mr. McGovern: I will ask this be marked the People's Exhibit 19 for identification.

(Which item was so marked)

Q. I show you what has been marked People's Exhibit 19 for identification and I ask you to look at it; does that look like the box that you placed the other metal box in.

A. Yes.

The Witness (continuing): Yes, Eugene Taylor left my house that day. I don't know exactly what time he left. I did see him later again that day. When he left he did not wear the same jacket he had worn when he came over. When he left he wore a jacket
1096 to the suit coat. It was my father's jacket.

When I saw him again later, it was still in the afternoon. He was with his brother, David Taylor.

The jacket that Eugene Taylor wore into my house on that particular day was burned. There was some lighter fluid poured on it. It was first cut up before
1097 it was burned.

On March 27, 1953, in the afternoon, I saw some police officers at my house. I gave them the overnight case, the money, the gun, and the bullets. I also gave them the cardboard box, People's Exhibit 18. I gave them the metal box that was in it, People's Exhibit 11 for identification.

When I put the box on the shelf the overnight case was locked. I gave the keys to the police officers.

Q. And are these, which I will now ask be referred to as People's Group Exhibit 20 for identification, I ask you if these are the keys you gave to the police officer?

A. Yes.

1098 The jacket that Eugene Taylor was wearing, was brown, yellow and white.

Mr. Cooney: You may cross examine.

Cross Examination by Mr. Lee.

The Witness: My first name is Lorain. I was recently married, and now my name is Little. It used to be Yarbro.

On March 20, 1953, when Eugene Taylor came to my house we were not sweethearts.

1099 On March 27th when the policeman left my house with the overnight bag and tin box and other property, I did not stay in the house. I went with the policeman. No, I did not go home again that night.

Mr. Lee: That is all.

Redirect Examination by Mr. McGovern.

Q. Mrs. Little, had you been seeing Eugene Taylor before this date in March, March 20?

A. Yes.

Q. About how often would you see him before that day?

A. About once a week.

Mr. McGovern: That is all. Thank you. You may step down.

(Witness excused.)

LORNE ELLERBECK, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

1100 The Witness: My name is Lorne Ellerbeck. I live at 8429 South Sangamon. I am a police officer assigned to the State's Attorney's Office. I was so assigned in the month of March, 1953.

On March 27, 1953, I went to the home of Lorraine Yarbro at 7408 Indiana. I went there with Officer James McLynn and also one by the name of Helen McGill. From those premises I recovered two boxes and $2,846.00 worth of money and $15.17 in change, a metal box, and a brown case.

1101 (The witness identified People's Exhibit 19 as the case he recovered from the premises).

This box was inside of a brown carton, sealed up.

(The witness identified People's Exhibit 19 as the carton that was completely sealed.) (The witness identified People's Exhibit 18 as the brown vanity case recovered from the premises.)

Q. Was there anything in the brown vanity case?

A. $2846.00, a Spanish Alamo Revolver, six copper colored bullets, four .38 caliber and four nickel plated and five 410 shotgun shells.

Yes I have seen exhibit 6 before. I saw it inside the brown case.

1102 Q. Referring now to exhibit 18—am I correct, you mentioned some bullets, sir? I show you an exhibit which has been marked People's group exhibit 21 for identification and I want you to examine the contents.

A. Yes, sir.

Yes I have seen those before. They were in the bottom of this case.

Q. And when you say "This case" you mean Exhibit 18 for identification for the record?

A. Yes.

Q. How do you know those are the ones?

A. My initials are on them.

Mr. Cooney: Will you step over in front of the jury, sir? Previously you have designated what they were. Now, would you differentiate what exactly did you find, explain what you found and show us, counsel, myself and the jury, that you saw and what you found there.

A. Here's six copper colored brass bullets, .38 caliber, four .38 caliber—

Q. You put down four—

1103 A. .38 caliber bullets.

Q. Describe them now.

A. They are nickel plated, chrome color, white color, brass color; four shotgun shells, shorter 410 and one longer.

Q. You have some green ones and red ones.

A. They are all 410.

Q. You say there's one long; which one is that?

A. About ½ inch longer than the other five.

Mr. Cooney: You may resume the stand. You may cross examine.

Cross Examination by Mr. Lee.

The Witness: At that time I was working with the State's Attorney's Police. I was assigned the mission of going out to this woman's house. When I left here I did not have orders to bring back certain property.
1104 I brought it back and I brought the woman back with me.

I have been a police officer going on 21 years. My assignment to the State's Attorney's Police began the latter part of January, 1953. That was about the time that they began a new administration in the State's Attorney's Office. Shortly after State's Attorney Gutknecht took over. That is when I went from down town to his office.

Technically they are called cartridges. Four were
1105 nickelplated. The six were copper colored. They were inside People's Exhibit 18. Yes, the case was in the house.

Mr. Lee: That is all.

(A short recess was taken.)

1106 HAROLD ERICKSON, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Harold Erickson. I live at 2501 South Pulaski. I am an official Court Reporter, Criminal Court of Cook County. I am presently assigned to Judge Barry. I have been an official shorthand reporter for the Criminal Court for approximately two years.

1107 Prior to that I was shorthand reporter for the State's Attorney's Office of Cook County. I had been such reporter for approximately four years.

Yes, I had some training in shorthand writing at Gregg College here in Chicago. It is the type of shorthand I write. Yes, I am able to write in shorthand a conversation between two or more persons. I was able to write conversations between two or more persons in the month of March, 1953.

I was in the State's Attorney's Office in the month of March, 1953, as a shorthand reporter. Specifically, on March 26, 1953, at about 1:45 o'clock PM I was 1108 in the State's Attorney's Office. That would be room 276 of the State's Attorney's Office. I was there when Mr. Richard Austin, then the First Assistant State's Attorney was present.

In Room 276 there was a man named Irwin Bloch. He is now First Assistant State's Attorney. At that time he was an Assistant State's Attorney. There was also present in that room a man by the name of Chief John T. O'Malley, Chief of Detectives.

(Whereupon the witness admitted the presence of the following: Capt. Frank Reynolds of the 16th District, Lt. John Olson, Edward McLaren, Arthur Walsh, Eugene Taylor, and Paul Crump)

1109 Q. That Mr. Crump, do you see him in the Courtroom today?

Q. Point him out, please.

A. The man in the middle on the other side of counsel table.

Mr. Cooney: Indicating the defendant Paul Crump.

At that time, sir, on March 26, 1953, at about 1:45 PM, Mr. Austin asked questions of Crump here and Eugene Taylor. Crump made answers to questions put to him. Yes. Gene Taylor also answered ques-

1110 tions in the presence of Crump. I was taking the questions and answers down in shorthand as they were being asked and answered. I believe someone else asked questions of either Crump or Taylor while I was there in the room. Yes. I took the questions that were asked down in shorthand, also the answers.

Q. Now, I show you what I have had here marked People's Exhibit 22 for identification; will you look at it? (handing Exhibit to the witness).

Prior to take the stand, have you had occasion to check this Exhibit People's 22 with your original shorthand notes that you had with you on March 26, 1953?

A. Yes, sir.

Q. Now, sir, is People's Exhibit 22 for identification a true and correct transcribed recitation of your original shorthand notes that you had at the time that Crump and Taylor answered the questions?

A. Yes, sir.

1111 Q. It is true and correct in every respect, is it?

A. Yes, sir.

Q. Taken down word for word as at the time the questions and answers were made, is that correct?

A That's right.

The Witness: Yes, the following day, Friday, March 27, 1953, at around 10:30 o'clock PM I was in the office of the State's Attorney, John Gutknecht.

(Whereupon the witness replied "yes" to the presence of the following persons: Richard Aus-
1112 tin, Irvin Bloch, John T. O'Malley, Lt. John Olson, Captain Frank Reynolds, Jim McMahon, David Taylor, Eugene Taylor, Harold Riggins, and Paul Crump.)

Yes, at the time and place, and in the presence of the men just named, Mr. Richard Austin asked questions of this defendant Paul Crump. Paul Crump answered the questions asked him by Mr. Austin. I was taking it down in shorthand.

Yes, I have my shorthand notes with me.

1113 Q. Now, Mr. Erickson, I ask you to look at People's Exhibit 23 marked for identification; you have seen it before, you took the statement, is that right?

A. That's right.

Q. At my direction, sir, did you have occasion to check this document, People's Exhibit 23 for identification with your original shorthand notes that you have here?

A. Yes, sir.

Q. When was it you checked these notes as against this Exhibit the last time?

A. November 28, 1955.

Q. That was just here last week?

A. Two weeks ago.

Q. Had you checked prior to that, sir?

A. Yes.

Q. When was it you checked it prior to the last week or so, if you know?

A. May 18, 1953.

Q. That was sometime before the previous trial, is that right?

A. That's right.

1114 Yes, People's Exhibit 23 for identification is a true and correct and accurate transcript of my original shorthand notes that I had with me on March 27, 1953, in the State's Attorney's Office, John Gutknecht's office. Yes, this document contains the questions and answers made at that time.

Mr. Cooney: Cross examine.

Cross Examination by Mr. Lee.

The shorthand book has not been in my personal file. It has been down in the State's Attorney's office. They furnish the books and I would say they become the property of the State's Attorneys. I 1115 transcribed the notes and when I am through with the statements in the books, I file them away in a vault in the Clerk's Office of the Criminal Court of Cook County as required by law. I can't call it my own personal property. It is the property of the 1116 State's Attorney of Cook County.

I believe the 26th was on a Thursday. I came into Room 276, which is on the 2nd floor of this building, at the hour of 1:45 P.M.

That's right, I listened to the names of those who

1117 were present. I did not by virtue of my recollection but by virtue of the fact I have notations on it.

Q. Notations in this stenographic book, which isn't an exhibit, and by virtue of the examination of exhibit 23. You gave a recital of those names of persons present by virtue of your having typed the exhibit 23.

A. I don't believe I did it personally. I put it on a dictaphone machine and it was transcribed from that machine.

Q. And a recording was made.

A. Right.

Q. And a transcribed typewritten paper was done by a person other than you.

A. A person other than me, or I might have done part of it myself.

Q. Did you or did you not do exhibit 23?

A. I believe—which is 23, counsel?

(Handing exhibit 23 to witness.)

A. I believe I did type part of this.

Q. My question is, which part?

1118 A. I would say approximately the last half.

Q. And how can you tell whether you did the last half? How can you tell by looking at it now?

A. By the notation up on the very top.

The Court: You are referring to what Exhibit?

The Witness: 23, your Honor.

Mr. Lee: The very top of what page?

A. Well, there are initials, typewritten initials at the very top over toward the left, by that brad there. I think it says R-1.

Q. 1-R, yes.

A. That means that Mr. Rasmussen did the typing of the first part of that statement.

Q. And 1-R which is on the subsequent pages—

A. Well, I did the latter part, I believe starting about Page 16.

Q. Is that what you noted?

A. I don't know if it is or not, but I recall doing it.

Q. Of your own memory?

A. Yes, sir.

1119 The Witness (continuing): Yes, I testified who was present but I did not make a statement after that about someone leaving the room.

1120 I have worked in the State's Attorney's Office from approximately 1949 to 1953; up until December 7, then I became a Court Reporter.

1122 Room 276 is to the right of where the police offices are. It would go past the offices of the police department.

1123 In Room 276 there is a desk and chairs.

In adjoining room 276, there is another office. There is, or there was a lock-up there in that vicinity.

I am not too definite on just the lock-up, but it is right near that vicinity. I remember that I started to take the statement at 1:45 that afternoon. I would say I was in Room 276 a matter of one or two minutes

1124 before taking the stenographic notes. I don't know what transpired prior to my arrival.

Yes, I do some work for the State's Attorney of Cook County. I do that work in connection with my duties in the Criminal Court of Cook County. I am presently employed by the Judges of the Criminal Court of Cook County. We are paid by the State of Illinois.

1125 I am officially a Court Reporter, official Court Reporter of the Criminal Court of Cook County, a job created by the legislature of the State of Illinois, and I keep my records in accordance with what the Statute says.

1126 The work I now do for the State's Attorney of Cook County is in conjunction with my work as a
1127 Court Reporter in the Criminal Court Building. For the work I do for the State's Attorney of Cook County I get paid by Cook County. All the Court Reporters do that kind of work for the State's Attorney. We write up transcripts of proceedings in the various courtrooms.

Q. All right. And if I, as a lawyer, request you to make a transcript of a proceeding for me, you charge me, don't you?

A. That's right.

Q. And I pay for the transcript that I want for my client, don't I?

A. Right.

Q. And how much do you charge me for the transcript, per sheet?

Mr. Cooney: Judge, I am objecting to this.

The Court: Sustained. I don't see that it has anything to do with the redirect examination here. I
1128 think it is all right to bring out that he was on a different payroll, but when it comes to the question how much he charges a lawyer for a transcript, I don't think that— Sustained.

The Witness (continuing): In the period of time I was in the State's Attorney's Office, I worked under Mr. Gutknecht from approximately January 1, 1953. Prior to that I worked for the predecessor in office, Mr. John Boyle.

The name of the man that typed, I-R, is Arthur Rasmussen.

1129 Is he an official Court Reporter of the Criminal Court of Cook County?

A. No, he isn't.

Q. What is his occupation now?

A. With the State's Attorney's Office as a transcriber.

Q. What was his occupation as of March, 1953?

A. Same thing.

Q. All he does is listen to the recording of the voice and transcribe on the typewriter is that right?

A. That's right.

Q. Where is that work performed?

A. Down on the 2nd floor.

Q. In what room in respect to Room 276, will we say?

A. Practically at the other end of the building. It is on the northwest corner.

When you were engaged by the State's Attorney of Cook County to take the statement, I was instructed to take only the statements made from a certain period that you arrive in the office, is that right?

1130 Q. When you arrived, the room, such as Room 276, on your arrival that day, you hear conversations, don't you?

Mr. Cooney: We object to the form of that question.

The Court: Sustained.

Mr. Cooney: It is on this particular day.

Mr. Lee: On your arrival in Room 276 on Thursday afternoon, March 26, 1953, you heard People talking on your arrival, didn't you?

A. I don't recall if they were talking when I entered the room or not.

The Witness: I would say it was only a minute or
1131 two after I was seated that I was instructed to start recording. I received an order to begin and go to work.

Prior to the beginning of the statements, I was not introduced to the persons who were there. Mr. Austin was doing the questioning and when he would ask an individual his name, I would know who it was. I don't recall the seating arrangement, nor if they were all seated. No, it does not show on Exhibit 22. It would not show in my shorthand book.

1132 To my best recollection I was in Room 276 on that particular Thursday afternoon for approximately an hour. I was there until, roughly, about 2:45 and then I withdrew from the room. I went back to my office
1133 on the northwest corner on the 2nd floor. Yes, I believe I started immediately to dictate into a machine. I don't recall the time I finished the dictation. I don't recall if there was any interruption during the dictation or not, so I could not say. I used a dictaphone machine. When I finished my duties I went home.

In regard to the statement of Friday evening, March 27th, I was in the room prior to 10:30 o'clock. This was the big office of the State's Attorney.

1134 I believe there are around twenty-six or twenty-seven pages in Exhibit 23. I would say it took from ½ to ¾ of an hour to record the statements. So, roughly, about 11:00 o'clock or 11:15 I walked back to my office on the 2nd floor and dictated again to the machine. When I had completed the dictation, I helped the transcriber transcribe off the dictaphone.

1135 The transcriber was Mr. Rasmussen.

Q. Did the same stenographic book that you have in your possession, did that contain the notes for both statements?

A. Yes, sir.

Q. From your memory, without looking again at that Exhibit, tell me who was in Room 247 on Thursday afternoon?

Mr. Cooney: 276!

Mr. Lee: You're right, 276.

The Witness: Mr. Austin, Mr. Bloch, Lt. Olson, Chief O'Malley, Capt. Reynolds, 2 police officers, one was Walsh—I don't recall the other's name, myself, Paul Crump, Eugene Taylor.

Mr. Lee: Nothing further, Judge.

Mr. Cooney: I have one point.

Redirect Examination by Mr. Cooney.

1136-37 (Whereupon the witness testified that he did the same type of work as was then being done by Miss Kirchman.)

The Witness (continuing): I checked my original shorthand notes that I had at the time of the questioning, with the statements after they had been typed. As a matter of fact, I checked these statements in their present form as late as within the last two weeks.

1138 Mr. Cooney: Thank you.

The Court: Anything further?

Mr. Lee: No.

The Court: You may be excused.

(Witness excused.)

PETER RENDEK, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is Peter Rendek, and I live at 915 North Harding, City of Chicago.

I am a police officer of the City of Chicago. I am
1139 assigned to the Detective Division, 1121 South State. During the month of March, 1953, I was then a police officer of the City of Chicago.

On March 20, 1953, I was assigned to the Detective Bureau of the Chicago Police Department. I went to the plant of Libby, McNeill and Libby in the Stockyards on March 20, 1953 at or about the hour of 11:30 A.M.

Q. Now, sir, I show you what I will ask to be marked People's Exhibit 24 for identification, consisting of a leaden pellet and two fragments, three exhibits altogether; now I show you an Exhibit, purporting to be a leaden pellet and I will refer to this one as People's Exhibit 24 A. Have you seen those particular exhibits before, sir?

A. I did.

1140 I seen this Exhibit before on the fourth floor of Building E of Libby, McNeill and Libby plant in the vestibule right by the elevator doors.

Q. Could you step down from the stand for a moment. You have seen this plat before, have you not?

A. Yes, I have.

Q. Now, can you point out where this is the 5th floor of Building E. Now, you say you discovered this on the 4th floor, is that right?

A. Fourth floor.

Q. And you say there's an elevator that goes down by the 4th floor, too. Is that right?

A. Right.

Q. Using this 5th floor of Building E, could you indicate about how far from the elevator?

A. Just about right here in regard to the front of the doors.

Q. That was on the 4th floor, is that right?

A. Right.

Q. How do you identify that particular exhibit?

A. I made a cross on it.

1141 Q. Was that at the time you found it?

A. Yes, at that time, and then before I took it to the station.

Q. Do you see that cross on it now, do you?

A. Yes, I do.

Q. I show you what I will ask to be called People's exhibit 24-B for the purpose of identification and I ask you to look at it sir. Have you seen that before?

A. I have.

Q. And where did you see that?

A. This, I seen on the 4th floor, on the same floor, in the vestibule; in the center of the vestibule.

Q. In the center?

A. In the center.

Q. How do you identify that particular exhibit?

A. By the X on this one, too.

Q. Do you see the X on it?

A. Yes.

Q. I show you what I will refer to now as People's Exhibit 24 for the purpose of identification, par-

porting to be a crescent-shaped piece of lead and I ask you to look at it.

1142 The Court: What is 24?

Mr. McGovern: A fragment.

Q. Do you recognize that particular exhibit?

A. Yes, I do.

Q. And where did you see that Exhibit for the first time?

A. This piece I seen on the 5th floor in the Cooler Room about 10, 15 feet inside.

Q You have seen this plat before and you were on the 5th floor in Building E?

A. Right.

Q. And 15 feet inside. You are familiar with the Cooler Room there?

A. Yes.

Q. You indicated about how far inside you found it.

A. About 10, 15 feet, past these doors.

Q. Back into it, is that right?

A. Right.

Mr. McGovern: You may resume the stand, if you will, please.

Q. Do you know what this exhibit, this pellet is, this 24-A?

A. You mean the caliber?

1143 Q. Do you have any idea what it is?

A. No, I don't.

Q. Without specifying anything further?

A. No, I don't.

Q. Do you know whether it's a bullet?

A. I know it's a bullet.

Q. Are all of those Exhibits substantially in the same condition now as they were at the time you found them?

A. Yes, they are.

Mr. McGovern: You may cross examine.

Cross Examination by Mr. Lee.

1144 (Whereupon the witness testified that he had no special training in firearms and did not purport to be an expert on firearms.)

I don't remember the kind of instrument I used to make the mark. It could have been a knife or some-
1145 thing that was real sharp. The mark appears to be on the front end. No, I don't have any instructions to make marks at any particular end of the pellet. I guess some policemen do, but I don't. I just marked it just that way. I found it on the 4th floor by the elevator doors.

Q. You were in company with another policeman at the time, weren't you?

A. Yes, there were quite a few there.

Q. Where were you, officer, when you started to go to the plant?

Mr. McGovern: Object as being immaterial where he was.

The Court: What's the question?

Mr. McGovern: I don't see how it's material where he was.

The Court: Sustained.

1146 (The Witness) No, I did not go there from 1121 South State. We were working in the Squad Car at that time when a call came. We were directed by radio originally. I don't remember if I drove the Squad Car. There were several calls going back and forth on the radio. I don't remember what they were. He was just directing us to the Stockyards there.

Exhibit 24 A was on the 4th floor. 24-B on the 4th floor and 24-C on the 5th. No, I don't know whether
1147 it's lead or brass or what.

Q. How many officers got out of the Squad Car with you at the Libby Plant?

Mr. McGovern: Object to this on the ground I don't see how it is material to his testimony here.

The Court: Sustained.

Mr. Lee: That is all.

Redirect Examination by Mr. McGovern.

Q. You are now assigned to homicide, is that correct?

A. Right.

Q. And you have investigated different crimes in the past, have you not?

A. Yes, I have.

Q. And you have recovered different lead fragments, have you not in your experience as a police officer?

A. Yes, I have.

(Witness excused.)

1148 LORNE ELLERBECK, recalled as a witness on behalf of the People, having been previously duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

My name is Lorne Ellerbeck. I am the same Officer Ellerbeck that testified here previously. Yes, I know I am still under oath.

I testified about going over to a lady's home on the 27th of March. On the following day, the 28th of March, 1953, early in the morning, it was after 12:00 o'clock.

I imagine about 1:00 A.M., I went some place at the
1149 direction of Dave and Gene Taylor, the co-defendants in this case, named in the same indictment. They directed me to 43rd and Lake Michigan east of the Outer Drive, off Lake Michigan.

Dave Taylor pointed out an object to me, en route to the water's edge, pointed out some cartridge cases that were lying on the ground, two .38's and one .32 caliber cartridge cases. I picked them up at that time.

Mr. Cooney: I will ask you to look at this which is marked People's Group Exhibit 25 for identification—maybe you could step down here, sir, if you would.

What do you have in your hand at the present time?

A. Two empty cartridge cases, .38 caliber.

1150 (The Witness) They are nickel plated and Weston .38 special; both are Weston .38 special and nickel plated. Yes, they are discharged cartridges. I know they are the ones David Taylor pointed out at 43rd and the Lake because I marked them with my initials, "LE". That's on both of them.

Yes, I have seen People's Exhibit 26 before, this is a .32 caliber copper, empty cartridge case. I saw it for the first time about twenty or twenty-five feet from the water's edge at 43rd Street and Lake Michigan.

1151 Dave Taylor pointed it out to me. I know it is the same one because my initials, "LE" are on there. I put my initials on there when I picked them up. We continued on to the water's edge and he pointed to a steel rod. It was sticking down into the water. It was right at the water's edge. There was a lot of rocks and it dropped straight down.

Q. And he pointed out the area?

A. He pointed to this rod and he said—

Mr. Cooney: You can't say what was said outside the presence of this defendant, so don't go into any conversation unless it is waived by the defense lawyer. He pointed to something?

A. The steel rod rising out.

1152 Mr. Lee: Mr. Cooney's statement should be stricken.

The Court: What's the objection?

Mr. Lee: I am objecting to his statement.

The Court: What part?

Mr. Cooney: Strike my statement by agreement. We will agree it be stricken.

The Court: The statement "Unless it is waived by the defendant's counsel" if that is what you are objecting to.

Mr. Lee: I am objecting to the remarks of the State's Attorney at the time he was talking to the witness "unless it is waived" all that.

The Court: Strike it and the jury is instructed to disregard it. Objection sustained. Not to say anything that was said outside of the defendant's presence.

(The Witness) Dave Talor pointed to a steel rod
1153 rising out of the water. Yes, he did say something.

After that we went out to Jackson Park Casting Lagoon. Gene Taylor, Chief John O'Malley, Chief John Olson, my partner, James McGlynn, and Rock and Walsh were with us. The casting lagoon is located at approximately 62nd and about 200 feet east of the Outer Drive into Jackson Park. Yes, that is by the highway.

1154 David Taylor pointed out something at that location. He pointed toward the center of the casting lagoon in Jackson Park. We stayed at that point for about 10 minutes. We all proceeded back to the building here.

No one was searching or looking for anything at that time and place, but on Monday morning, a Mr. Joseph Price made a search, the diver made a search at 43rd and Lake on Monday morning.

I went to the casting lagoon at Eugene Taylor's direction. We did have a conversation at that point.
1155 The diver went to the location, pointed out by David Taylor.

Yes, the Crime Laboratory Mobile Unit, Joseph Price, went out to the Jackson Park Lagoon on Monday morning.

Mr. Cooney: Cross examine.

Cross Examination by Mr. Lee.

(The Witness) It was the beginning of the day, the 28th day of March, 1953, at 1:00 o'clock in the early
1156 morning hours. That was several hours after the incident I previously testified about. The time I brought the money back. Yes, I saw Miss Little here this afternoon. Yes, I have been in the Courtroom every day. I was not in the Courtroom every day at the other trial. I testified at the previous trial.

David Taylor and Eugene Taylor were prisoners at that time. Personally, I don't know whose custody they were in at the time of the trip to the Lake. They were in my custody at that time when we went to the
1157 Lake, David Taylor was. Gene Taylor was in the custody of Chief O'Malley and Captain Reynolds.

The spot at 43rd and the Lake is on the East side of the Drive. The terrace is built up, both sides of it, cemented in with limestone rock. It's seawall, that's what it is.

I found the cartridges about twenty-five feet west of the water's edge. Yes, all of them on the ground. David Taylor pointed them out to me. The Jackson Park Lagoon I went to is some distance south of that
1158 point. I suppose a couple of miles.

Yes, I put my own initials on them. They were taken to the Crime Laboratory. I believe I took them myself to 1121 South State. I came back to this building
1159 on the morning of the 28th. I returned here about 3:00 or 3:15 in the morning.

The 28th day of March, 1953 was a Saturday. I believe I then went home.

I placed my initials on the mouth of the cartridge case. I believe it was on the front only. I did it with
1160 a knife and I can still see the marks. I left my initials there. The big ones are .38 and this one is a .32.

Nickel is the kind of metal in the two big ones, I imagine, chrome, I don't know what it is. I don't know what's the metal in that one. I could not answer that.

Mr. Lee: No further questions, if the Court please.

(Witness excused.)

The Court: Ladies and gentlemen, due to circumstances that I am not at liberty to discuss with you at this time, but which I will be glad to discuss with you after this case is over, we will have to adjourn at this
1161 time and we will adjourn until 10:00 o'clock tomorrow morning. I wish you a pleasant good evening.

(Whereupon an adjournment was taken until Saturday, December 10, 1955, at the hour of 10:00 A.M.)

1162 Before Honorable Elmer Holmgren and a Jury.

Court convened pursuant to adjournment.

Saturday, December 10, 1955, 10:00 A.M.

Present: Mr. Joseph V. McGovern, Mr. Robert Cooney, and Mr. Stephen Lee.

AUGUSTUS C. WEBB, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

(The Witness) My name is August C. Webb. I
1163 live at 3648 South Parkway, Chicago, Illinois. I am a physician and surgeon, and licensed to practice medicine in the State of Illinois. I have been so licensed since September, 1924. I received my schooling at Northwestern University Medical School. I received a Bachelor of Philosophy from Brown University at Providence, Rhode Island. I received my degree from Northwestern Medical School in September, 1924.

My specialty in the practice of medicine is pathology. Pathology is that branch of medicine that deals with
1164 changes that occur in tissues of the body as a result of varying agents, such as injury, disease, germs, or any other agency. I was trained in my specialty, pathology, at the University of Edinburgh in Scotland, 1935, 1936 and 1937, postgraduate. I taught Pathology at Howard University Medical School at Washington,
1165 D.C. from 1942 to 1945.

I am presently Deputy Coroner and Pathologist for Cook County, commonly called Coroner's Physician. My duties are to examine bodies and determine the

cause of death and report same to the Coroner's Office in those cases which come within the Coroner's purview. I have been a Coroner's Physician since 1948.

I was a Coroner's Physician on March 20, 1953. On that date I had the occasion to examine the body of
1166 Ted Zukowski. I examined Mr. Zukowski's body at the Evangelical Hospital. When I examined him, he was dead.

My examination disclosed the body of a man weighing about 200 pounds and 70 inches tall, who had some wounds in his body. He had three bullet wounds of entrance and one of exit.

Q. In other words, there were four actual wounds in his body?

Mr. Lee: Object. Leading—

The Court: He said there were three of entrance and one of exit, is that correct, Doctor?

A. Yes, sir.

(Witness continuing) Yes, I have prepared a sort of diagram or chart that would help these ladies and
1167 gentlemen follow my testimony further. I prepared it last night. (Witness hands diagram to counsel)

(Which diagram was marked People's Exhibit 27 for identification.)

Q. Doctor, I show you People's Exhibit 27 for identification, the front portion, the part marked "front" and ask you—perhaps if you could step down, sir. Doctor. I want Mr. Lee to be able to see it.

Mr. Lee: Don't worry about me. I will see it.

(Witness continuing) The first bullet wound of entrance that I observed penetrated the right ear and into the skull and temple bone, passing into the cavity here, the brain, with laceration of the brain, and the

bullet was found inside the cranium cavity within the
1168 brain. The second bullet wound of entrance was in the nose.

Mr. Lee: I object to "first" and "second". That isn't indicative of any chronology here. Say "1" and "another" and so forth.

The Court: I think the Jury understands, do they not, that the State's Attorney in asking this question doesn't necessarily mean by "first", "second" and "third" that is the sequence in which the bullet entered the body. It is just for the purpose of convenience when he refers to the first, second and third.

Mr. Cooney: That is right, as the doctor observed them.

The Court: The jury understands then, do they?

The Witness: The second wound was here in the nose and penetrated the base of the brain.

Mr. Cooney: Q. In other words, can you trace the angle that bullet entered Mr. Zukowski's head?

A. Slightly upward, very slightly.

1169 (Witness continuing) The third wound of entrance was in the chest, in the front part of the chest. To the right of the mid-sternal line, penetrating the second intercostal space, the upper lobe of the right lung and then out of the body in the back to the right of the midvertebral line, about four inches and through the intercostal space. The intercostal space is space between the ribs, in this case the 4th and 5th ribs in the back.

Mr. Cooney: You may resume the stand for a moment, sir.

(The Witness) I recovered the bullet from Mr.
1170 Zukowski, from the brain.

Q. We will refer to this as People's Exhibit 28 for identification. I will ask you, show you what we will refer to as People's Exhibit 28 for identification and ask you to look at it, sir. Have you seen that before?

A. Yes, I have.

The Witness: I saw it for the first time in the Evangelical Hospital on March 20, 1953, when I removed it from the body of the deceased, Mr. Zukowski. At the time I removed the bullet, I marked with the letter "V" at the base of the bullet, and I described it as a very mutilated, leaden bullet. "V" is really not my initial but because "W" is so hard to make, I usually make a "V".

Q. Is that bullet in the same condition now as
1171 it was when you took it out of Mr. Zukowski's head, with the exception of your mark?

Mr. Lee: Object.

The Court: Look at it now, sir.

The Witness: Yes.

The Court: Overruled.

The Witness: The only difference is, there is only one difference between this bullet now and the time I removed it from the body. The blood has been washed off of it.

My opinion based on my examination and on my previous experience as a pathologist of many years, Mr. Zukowski's death was caused by gunshot wound of the head and chest. Any one of those bullet wounds could have killed Mr. Zukowski.

1172 (Whereupon the witness testified to each wound separately and answered that each wound could have killed Mr. Zukowski.)

Mr. Cooney: You may cross examine.

Mr. Lee: I am going to interpose an objection to the use of the visual aid. It is unnecessary and adds nothing else but inflammatory matter before the jury.

The Court: Overruled.

Cross Examination by Mr. Lee.

The Witness: I am a deputy coroner by virtue of being a physician. No, I don't conduct any inquests
1173 I merely go out and examine dead persons for the the purpose of making findings and submitting a report to an inquest conducted by the Coroner of Cook County or Deputy Coroner.

Most Coroner's physicians are Pathologists. The job requires some training in pathology.

I graduated from Brown University in 1918. I
1174 wasn't living in Chicago at the time. At Brown University I majored in biology, which is pre-medical.

That training qualified me for the license I received from the State of Illinois to practice medicine and surgery in all of its branches.

1175 My chief reason for going to Edinburg, University of Scotland, was because of its renown as a medical
1176 training center, and another reason, if I may state it. The other was that at that particular time it was difficult for a colored student to get into an American University to do special work.

I have been in the Coroner's Office since 1948. Yes, I am still in the Coroner's Office.

1177 Yes, I made that chart last night. Prior to last night I had not made a chart.

In June, 1953, I testified in proceedings in this particular case, in this particular indictment. I don't remember the name of the Judge. I did not have a chart then.

The chart today was my own idea. To demonstrate the position of the bullet wounds, because before I had to ask someone to stand up here and demonstrate the position. I had no conversation about that chart with either Mr. Cooney or Mr. McGovern.

1178 I have examined bodies for a considerable part of the time, for seven or eight years. In this year I have examined 10,941 bodies, averaging about 120 a month. Yes, that would be three or four a day. All in the County of Cook.

1179 I made findings in this specific case. I submitted the findings in writing to the Coroner's Office. It is known as a protocol.

I examined the body in the Evangelical Hospital. It is on Marvin, near 55th Street. I don't recall the exact number. The time of day was 8:00 PM.

No, when I performed my examination, no one was present. Someone came into help me move the body, some hospital employee, from the frigidaire onto a

1180 table. There was no one present at all during examination. No, I don't know who assisted me in moving the body.

I used instruments in making the examination. I used a knife to make the mark on that pellet.

1181 Professionally, I used a knife, a scissors, and instruments to cut bone. I used a saw to saw the skull open and one or two other minor instruments.

1182 No, I did not make measurements of the three wounds on the front of the body. Of the three on the front of the body, I don't recall exactly if there were differences in the size of the wounds.

1183 Yes, there was a difference between the size of the wound on the back of the body and the size of the wound on the front. The wound in the back was bigger.

Q. You know for a fact?

A. Yes.

But for a fact you don't remember whether or not one of the three on the front was bigger or smaller or not, do you?

Mr. Cooney: Object, having been answered before.

The Court: Sustained.

(An interruption in the hearing)

The Witness: The wound in the back was twice the size of the wound in the front.

Yes, I made an effort to locate the one other pellet in the body. It went into the face. It was in the base of the skull and it would have been necessary to mutilate the face to get it.

1184 In regard to the present condition of the pellet, it is the same now as the night of the removal.

Yes, with due respect to any ballistic experiments that it may have gone through and possible erosion in the meantime.

Q. You don't know whether ballistics tests to which it may have been subjected?

Mr. Cooney: Object. Beyond the scope of direct examination.

The Court: Sustained.

Mr. Lee: Will you tell me again, roughly, what time it was on your arrival at the hospital?

A. About 8:00 PM. sir.

Q. And you walked up to the hospital office to the 1185 authorities there, whoever they might be, and introduced yourself as Doctor Webb, coroner's physician?

A. Yes.

Q. And thereafter you were taken to the room where the body was?

A. Yes, sir.

Q. Who took you to the room?

A. The nurse in attendance, the night nurse.

Q. What is her name, doctor?

A. I don't know, sir.

Q. Would you know her if you saw her again?

A. Yes, I would.

Q. You did not know other than what the woman told you, that that was the body of Theodore Zukowski; you had no other way of knowing it?

A. No, she identified the body to me.

Q. She is the one who did?

A. Yes.

Q. And you accepted her statement as true that that was the body of Theodore Zukowski?

A. Yes, sir.

The Witness: As regards the pellet, after I removed it and washed it, I then marked it with the letter 1186 "V." It is marked on the base of it. That is the back end.

Q. Where the hammer strikes the cartridge, at that end?

A. The part next to the trigger end.

Q. Where the hammer or firearm hits?

A. Yes.

Q. That's where you put the "V."

Mr. Cooney: I object to that. This man is not qualified as far as bullets are concerned.

The Court: Sustained.

The Witness: After the mark on the bullet, or pellet, I placed it in an envelope and sealed the envelope. I marked the envelope with the name of the

1187 deceased, and then I put the envelope in a larger envelope along with my protocol report, which I had written, and sealed that envelope. I made the protocol report immediately after doing the autopsy. I made the report in the autopsy room of the Evangelical Hospital.

I left the envelope in the hospital office for the Deputy Coroner who conducts the inquest and he marked it for the Deputy Coroner. That's the last I saw of the envelope.

Mr. Lee: I am through with the witness and I
1188 have a motion to—with regard to the testimony.

Mr. Cooney: May I ask one question on redirect?

Redirect Examination by Mr. Cooney.

Q. There was a question asked on cross examination, doctor, concerning the name or identification of the man you examined. I am going to show you a picture, and I want to make sure you don't allow the Jury to see it.

I show you a picture of part of a man, and ask you, sir, if that is the man that you examined that was identified to you by the name of Theodore Zukowski?

Mr. Lee: Object. Give me a ruling, Judge.

The Court: Overruled.

The Witness: Yes, sir, that's a picture of the same man that had the autopsy here.

Mr. Cooney: And you knew that man as Theodore Zukowski, did you, sir?

A. Yes.

Mr. Lee: Object. He never knew him.

Mr. Cooney: As far as identification at that time.

Mr. Lee: Object to that.

1189 The Court: Overruled.

The Witness: Yes, sir.

Mr. Lee: Do you want to hear me on that motion now, outside the presence of the Jury, or right here.

(The Court and counsel conferred in chambers and the following proceedings were had outside the hearing and presence of the Jury)

Mr. Lee: The defendant objects to all the testimony of the Coroner's Physician and ask it be stricken for the reason there is no proper identification of the body; that the man who testified is a Coroner's Physician cannot now say that was Theodore Zukowski, other than what the nurse told him at the hospital, the nurse that the evidence shows escorted him to the body, and, of course, I object to the introduction of the bullet taken from the body, on the ground that the different steps from the time he put it in the envelope have not been traced.

I ask that the entire testimony be stricken on behalf of the defendant.

1190 (Discussion on defendant's objections)

Mr. Lee: They can't trace the bullet from the time the man took it out of the body.

Mr. Cooney: We are not offering it at this time.

1191 The Court: I am not ruling on the question of the bullet at this time, because it has not been offered. The only question is whether or not the body was sufficiently identified to the Coroner so he could say it was the body of this deceased man in the indictment in this case.

(Whereupon Mr. McGovern reviewed the showing of the picture of Mr. Zukowski to the doctor)

1192 Mr. Lee: Let me answer that before you rule. I don't know whether the picture, how in itself a picture of a man that is alive, a dead man, and a live

man cannot be so recognized. It's a failure of proof on the part of the State in the entire case.

Mr. McGovern: I don't get the point.

Mr. Cooney: Let the record show that this proceeding, and all of it is outside the presence of the jury.

Mr. Lee: You can't tell it with a picture, when the man was alive or dead.

Mr. McGovern: I submit he has identified the man.

Mr. Lee: It is bad conduct for the State to do anything like this.

The Court: I am going to, at this time, to permit the evidence to stand. Overrule the objection and unless it is followed up by evidnce, competent evidence as to the identification, counsel may renew his motion and at that time I will rule on it.

Mr. Lee: And I say competent evidence cannot be done pictorially.

1193 The Court: That is my ruling.

(The Court and counsel returned into open court and the following proceedings were had in the hearing and in the presence of the jury)

Mr. Lee: I am objecting to any further use of the picture.

The Court: Let the record so show.

Mr. Cooney: Are you finished with the doctor?

Mr. Lee: Yes, that is all.

Mr. Cooney: You may step down. Thank you for coming in.

(Witness excused)

Mr. Cooney: I wonder if we may keep this chart? We will get it back to you.

RICHARD B. AUSTIN, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney:

1194 The Witness: My name is Richard B. Austin. I live at 2634 Park Drive, Flossmoor, Illinois. I am a lawyer. At the present time I am a Judge of the Superior Court of Cook County. I have been a Judge two years and three days.

Prior to that, I was first Assistant State's Attorney of Cook County. I was such First Assistant State's Attorney on March 26, 1953. On that date, which was Thursday, I had occasion to see the defendant, Paul
1195 Crump. I do see Paul Crump in the Court room today. The second man at the counsel table on the far side. (Indicated for the record, the defendant, Paul Crump).

Shortly before 1:45 o'clock p.m. on Thursday, March 26, 1953, I saw Paul Crump on the second floor in room 276. At that time I talked to him.

He and Eugene Taylor were in the room and I asked them if they would make a statement regarding the Libby, McNeill and Libby case, and they said they would. I got a court reporter in and proceeded to question Mr. Crump and Mr. Taylor.

1196 At the time I questioned them there was a court reporter present, his name was Harold Erickson. Also present in that room were Mr. Irving Bloed, Chief John T. O'Malley, Captain Frank Reynolds, Lieutenant John Olson, two police officers, one from the Robbery Detail, by the name of Edward McLaren and Arthur Walsh.

I asked questions of Eugene Taylor and Paul Crump
1197 at that time and they answer the questions. I had to leave the room and when I came back I found Chief O'Malley asking questions of Paul Crump.

Subsequently, I saw Paul Crump on March 27th, the following day, 1953, at around 10.30 p.m. in State's Attorney John Gutknecht's office. At that time I asked him questions and he answered them. Present at that time was the same court reporter, Harold Erickson. There were also present Mr. Irwin Bloch, John T. O'Malley, Lieutenant John Olson, Captain Frank Rey-
1198 nolds, Sergeant Jim McMahon, David Taylor, Eugene Taylor and Harold Riggins.

The following day, on March 28, 1953, I saw Paul Crump. At that time he had a copy of this document in his hands. That was on the 28th of March, Saturday morning. Either I or Mr. Irwin Bloch read a copy of the statement.

1199 Q. And at the time either you or Mr. Irwin Bloch read the statement, a copy to him, what if anything was Paul Crump doing with this document?

A. He was following the reading.

Mr. Lee: Object to this.

A. He would follow the reading of the statement and as I would turn the page he would turn the page.

Mr. Lee: I am objecting to "follow" and ask that it be stricken. It's a mental process on the part of—

The Court: The "following" may go out but the fact he was turning the pages may stand.

The Witness: All right.

Mr. Cooney: Now, I show you here the last page of this document People's Exhibit 23 for identification and specifically the name Paul Crump on page 27; whose signature is that?

A. Paul Crump. He signed it in my presence.

The Witness: That was on March 28th after he had had it read to him. The name David Taylor, Jr. appearing on this document is the signature of David
1200 Taylor, Jr. That is the signature of Eugene A. Taylor. That is the signature of Hudson Tillman with the words "truth as far as I know". Hudson Tillman wrote that on that document.

Those are the signatures of Mrs. L. Robert Mellin, Graydon Megan, Jeremiah Buckley and William A. Brams; they were present at the time this was read and they signed as witnesses.

On March 26, 1953, at about 1:45 p.m., at the time I first questioned Paul Crump, I did not nor did anyone in my presence at that time make any promises of any kind if he would make a statement. Neither I nor anyone in my presence beat him in any manner whatsoever.

1201 On March 27th at 10:30 p.m. when I again took a statement from Paul Crump, I did not nor did anyone in my presence promise him anything at all if he would make a statement. Neither I nor anyone in my presence threatened or abused this man in order to have him make a statement.

Mr. Cooney: Thank you. Can you tell this jury of ladies and gentlemen, if you know, sir, what you said to Paul Crump before he made that first statement?

A. I advised him—

Mr. Lee: Object, unless he gives the time and place.

The Court: It was on the 26th of March, 1953 at approximately 1:45 p.m. as I understand it.

The Witness: Just prior to 1:45, maybe 1:40 or 1:35 I advised him that he—

Mr. Lee: Object to "advised".

A. I told him that we knew that he had been iden-
1202 tified by three or four people that morning in a show-up. He knew that he had been implicated in this affair by Hudson Tillman and he knew that the hat that had been found at the scene fitted him, and I asked him if, in view of the, his knowledge of those things, whether or not he wished to make a statement regarding his participation in this robbery and killing, and he said he did.

Q. Do you recall if anything was said to him before the statement was taken the following day at 10:30 p.m.?

A. I do.

Q. Would you tell the ladies and gentlemen what you said to him at that time, sir.

A. As he was brought into the office of the State's Attorney, I advised him of what I, or I told him that Eugene Taylor, David Taylor and Harold Riggins had just completed making statements regarding their participation in this robbery at the Libby, McNeill plant, and asked him if, in view of that, he too wished to make a statement regarding his participation, and he said he did.

1203 Mr. Coorey: Cross examine.

Cross Examination by Mr. Lee.

The Witness: The first statement, People's Exhibit 22 was taken on Thursday morning in one of the State's Attorney's offices. It was taken in the offices on the second floor of this building. It is in

the south end of the office, almost southeast corner on the second floor.

1204 I saw the defendant for the first time at 9:00 that morning. That was also on the second floor in an Assistant State's Attorney's office, but not in this particular room. I saw him in the squad room of the State's Attorney's Police Department. That's room two eighty-something on the east corridor on the second floor; the one that runs parallel with California Avenue.

1205 I was in his presence for a considerable length of time on more than one occasion on Thursday. I would say that perhaps at the time I took the statement was the time that I was most in his presence on all the occasions I was in his presence on that day.

Mr. Lee: Yes, Judge. Now, did he not sign this one I have in my hand, did he?

A. No, he wasn't requested to, or given an opportunity to.

The Court: You are referring to what exhibit?

Mr. Lee: Exhibit 22.

Q. Now when you were speaking a moment ago about exhibit 22 you said you left the room.

A. I did.

The Witness (continuing): Of course, in my ab-

1206 sence, I don't know what transpired. I left him in the company of Chief O'Malley of the Detective Bureau, Chief of Detectives, and one or two Police Officers.

I told him on Thursday afternoon that he had been involved by Hudson Tillman and that he had been identified and that a hat had been found at the scene that fit him. The hat had been tried on him during

the course of the morning, prior to that. That morning I saw a Police Officer try the hat on him. I don't know which one, there were so many around.

1207 No, Crump had not been booked, charged with any crime up to that time when I first saw him. He had just been taken into custody prior to the time I saw him early that morning. On Friday evening at the hour of 10:30 there had not been any process of any court issued against the defendant.

He was a prisoner at all times which I had related.

1208 He was in charge of Police Officers some of whom were assigned to the State's Attorney's Office, some of whom were assigned to the Stockyards Station, some of whom were assigned to the Detective Bureau. He was a prisoner of the police. Some of them were City of Chicago police officers.

On Friday, the 27th, close to the noon hour, possibly a little before, I saw a lawyer by the name of William Gerber in my office in connection with the arrest of Crump. I permitted Crump to speak privately and confidentially with Gerber. I had a conversation with Gerber.

1209 I got Mr. Gerber on the phone at the request of Crump and then turned the phone over to Crump to talk to him. All I said to Mr. Gerber was that I had a client of his that wished to speak to him and his name was Paul Crump, and then I handed the phone to Mr. Crump. That was prior to the time I saw Gerber.

I had never met Mrs. L. Robert Mellin prior to that day. She was apparently an acquaintance of the State's Attorney of Cook County, John Gutknecht.

1210 I understand that Graydon Megan is the head of the Back of the Yards Council. I had never met him prior to that day either.

I did have something to do with their presence there. I had spoken to them, not prior to the date they arrived. I had not spoken to Jeremiah Buckley prior to that Saturday morning. I had met him prior to that time but not in any way in connection with this case. I mean, he's a lawyer. I had a professional acquaintance with him as a lawyer, one lawyer to an-
1211 other lawyer.

I had never met William A. Brams prior to that morning.

I was introduced to William A. Brams and was informed that he was a physician. I have no reason to doubt it. No, I did not see any credentials. I was told by the State's Attorney, who introduced him to me, he was a physician. That is, Mr. Gutknecht.

1212 Not all of the persons who were on the first page were there. Lieutenant McMahon was on his way to Alabama. His name was on the front page. He was present at the time that statement was taken, but not
1213 at the time it was signed. He was Sergeant then.

Sergeant McMahon had gone to Alabama on a mission in connection with this case. I did see him when he came back. He came back with a bundle of money. The bundle of money with which he returned was kept by the State's Attorney for a period of time and was subsequently, I think, returned to Libby, McNeill and Libby, but it was kept for several months.

It may have been turned over to the insurance company, I don't know. It was given either to Libby, McNeill and Libby, or the insurance company who would reimburse Libby, McNeill and Libby for the loss in the robbery.

1214 I did not know anyone at Libby, McNeill and Libby Company prior to that time, and I don't recall meeting what I would call an official. I met the employees who were there at the time of the robbery, but I don't recall meeting the President or Treasurer or anybody like that.

Mr. Lee: Nothing further, Judge.

Mr. Cooney: I have one thing, Judge.

Redirect Examination by Mr. Cooney.

The Witness: There was a point during the first
1215 statement when I was called out of the room. I went to the courtroom of the Chief Justice of the Criminal Court to answer a Writ of Habeas Corpus for Eugene Taylor. He also left the room and was brought up to the courtroom of the Chief Justice of the Criminal Court.

1216 *Recross Examination by Mr. Lee.*

The Witness: We took both of the Taylors up, but Eugene was the only one involved in this 1:45 statement. David wasn't in the room with Crump at the time that statement was taken. I did not take him up.

I went up in the same elevator with them. They were in the custody of Police Officers, the two Taylors and some Police Officers, and I rode up together, walked into the courtroom together, but I did not physically have hold of them.

The petition for Writ of Habeas Corpus that re-
1217 quired my presence in court was filed on behalf of the two Taylor boys on Thursday. Yes, it was filed for the two Taylor boys; in regard to the 1:45 statement, that's right.

I appeared as a lawyer for the named respondents. I don't recall who the respondents were, but they very well could have been both the State's Attorney and the Police Department. It was either one or the other, or maybe both.

1218 The Writ was to have them brought to court and inquire why they were in custody and whether or not they could be released or booked. My recollection at this time is rather vague but I think Louie Gould was the attorney for the two Taylor boys. Mr. Gerber was
1219 their lawyer subsequently. He was also the lawyer for Crump.

Q. On behalf of Crump, to your knowledge, did Gerber file a petition for Writ of Habeas Corpus?

A. I have no recollection of one being filed. I have a distince recollection that none was filed during that Thursday, Friday or Saturday by Gerber. Crump was still not booked. But I have no recollection of one being filed by Gerber.

Q. Pertaining to that phrase "not booked" as you use it, that infers a man being held a prisoner incommunicado or non-communicado.

Mr. Cooney: Object, beyond the scope. Object to the form of the question also.

The Court: Sustained.

Mr. Lee: What does "not booked" mean?

A. It means that no formal charge has been lodged against him, no complaint has been signed or sworn out in court case of record.

1220 Mr. Lee: Nothing further, Judge.

(Witness excused)

JAMES BODOR, called as witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is James Bodor. I live at 1442 North Sedgwick. I am a commercial diver. With deep sea equipment I perform underwater operations around Chicago; constructions repairs and salvage.
1221 I have been a commercial diver for about twelve years. I learned to be a deep sea diver in the Coast Guard. While in the Coast Guard I had the occasion to descend into the depths of the ocean or other bodies of water.
1222 In the month of March, 1953, I was hired by the Police Department. I received a request to submerge into the lake here in Chicago. The request came from the Chicago Scientific Crime Lab.
1223 On March 30th I went to the lake at approximately 43rd Street and the lake. 43rd doesn't come through the outer Drive but there's a projection. I called Officer Ellerbeck that morning at 8:00 and he showed me where there was an angle iron projecting from the
1224 lake about eighteen inches. The angle iron projected about 18 inches. I descended into the lake at that point. I was instructed to search for two guns, a .32 and .38 revolver.

At the shore the water there is about ten feet deep.
1225 At that point the bottom is composed of rock, anywhere from the size of gravel all the way up to eight or ten foot limestone blocks. There had been some construction work at the lake shore and they dropped some rocks into the lake.

I have no way of knowing while I am on the bottom how far off shore I went. There is no visibility in the water, but when I did find a gun my tender told me I was about thirty-five feet from shore. The visibility on March 30th was about one inch, one or two inches.

1226 I found a .32 about thirty-five feet from shore and thirty-five feet south of the angle iron. I had been down about three hours when I found it and brought it up.

Q. I show you what has been previously marked People's Exhibit 8 for identification, being a .32 cali-
1227 ber nickle plated revolver and ask you to look at it. Have you ever seen it before.

A. I have.

Q. When was the first time you saw it?

A. On the bottom of the lake, March, 1953.

The Witness: It was laying between two rocks, in a crevice between two rocks. Visibility was the same. I scratched my initials, J.P.B., right here. Philip is my middle name. I gave it over to the Crime Lab.

I did not see the .38. We were on the job for the rest of that week. Spent five days, four or five days
1228 on the job. The way the rocks were lying, it is very possible the gun got in between where I could not get in with my hands.

The Crime Lab had been out with a magnet the previous week and they lost the magnet, so as part of the project I was seeing if I could find the magnet. No, I did not find the magnet.

Mr. Cooney: That is all. Cross-examine, sir.

Mr. Lee: No cross.

(Witness excused.)

1229 JOSEPH PRICE, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is Joseph Price. I live at 4104 North Leamington. I am a technician at the Chicago Police Laboratory. In the month of March, 1953, I was then a technician with the Chicago Scientific Crime Detection Lab.

1230 Yes, in the month of March I went to the lagoon in Jackson Park. I conducted a magnetic search of the bottom of that lagoon. At that time I saw Officer Ellerbeck there and we had a conversation.

Q. Now, I show you what I will ask to be marked as the People's Exhibit 30 for the purpose of identification, purporting to be part of a gun, a trigger mechanism, which is People's Exhibit 30 for identification, and ask you to look at it. Do you recognize that particular exhibit?

1231 A. I do.

(The Witness continuing): The first time I saw that exhibit it was attached to our magnet where we pulled it out of the water of the lagoon at Jackson Park. That was on March 30th, 1953. With the exception of the dirt that has been removed from it, that exhibit is substantially in the same condition now as it was at the time I recovered it.

Mr. McGovern: You may cross examine.

Mr. Lee: No cross examination.

(Witness excused.)

1232 JOHN G. SOJAT, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

The Witness: My name is John G. Sojat. I live at 11240 Homewood Avenue, Chicago 43, Illinois. I am a firearms identification technician at the Scientific Crime Laboratory, 11th and State Streets.

In my work at the Laboratory I examine a total of approximately five to six hundred firearms a year, as submitted by the Department. Prior to my present occupation and for about nineteen years I studied fire-
1233 arms and ammunition, because of a keen personal interest in the subject in collecting technical literature and examining specimens as available to me. In 1939 I attended a small arms school at Camp Perry, Ohio, conducted by the United States Army, and hold a certificate as a qualified instructor in the use of small arms. I have also attended Lindblom High School and Crane Junior College.

At the present time we have an instrument known as a comparison microscope down at the Crime De-
1234 tection Laboratory. It is an instrument designed to make it possible to check two objects under the microscope in a single eye position.

1235 The method used in identifying cartridge cases, the technique is to compare breach face markings, extractor and ejector marks and firing pin indentations, by using a comparison microscope.

A test will be placed under one microscope and the cartridge case in question under the other.

Indentations or the impressions caused by the firing pin when it strikes the primer.

Q. Now, sir, I show you what has been marked as People's Exhibit 8 for identification, purporting to be

a .32 revolver, and I ask you to look at it. You have seen that particular exhibit before, have you, sir?

1236 A. I have.

(The Witness continuing) I saw that at the Crime Laboratory in the month of March, 1953.

I received this gun in an oily, wet condition and filled with grime and dirt. I removed the, what was the cylinder and pin, opened the action by cocking the trigger and I washed out the grime with hot water, drained it quickly with compressed air and then washed it with ethyl alcohol. I then oiled the parts and assembled the weapon. I then test fired this weapon.

I fired a pair of tests in this revolver into a bullet recovery box and fired a bullet and two fired cartridge cases from this gun.

1237 Q. And do you have those fired cartridge cases with you?

A. I have.

Q. May I have them and refer to these as People's group exhibit 31, People's group exhibit 31 being the test cartridge cases that you fired into the bullet recovery box as you have testified, is that right?

A. That's correct, sir.

The Witness (continuing): A bullet recovery box is standard equipment in this work. The box is filled with waste and at the front end of the box is open and I use an absorbent cotton and I fire the bullet, or rather, the cartridge directly into this box, and recover the bullet in the waste in the box.

1238 The cartridge case remains in the cylinder of the gun.

I have seen what has been marked previously as People's exhibit 26 for purposes of identification purporting to be a .32 caliber discharged cartridge case.

I saw it at the Crime Laboratory, 1121 South State Street, in March, 1953.

This is a fired .32 S & W revolver cartridge case
1239 of Wesson manufacture. That means .32 Smith & Wesson, designating a definite cartridge.

With relation to that particular exhibit 26, a .32 cartridge case, I made a comparison microscopic test of the cartridge laboratory designation "P", and a test fired in this particular revolver .32 caliber, Hopkins and Allen.

As a result of my microscopic examination under the comparison microscope, my experience in firearms identification, I have an opinion based upon reasonable scientific certainty, as to what weapon fired that .32 cartridge case, the People's exhibit 26 for identification. It is my opinion that cartridge case, the People's exhibit 26, based on similar and individual characteristics was fired in this particular weapon.

Mr. McGovern: Indicating for the purpose of iden-
1240 tification the People's exhibit 8, is that right?

A. That's correct. I have examined those two exhibits at the Crime Detection Laboratory in the month of March, 1953.

These are two fired .38 special cartridge cases of Wesson manufacture. By Wesson manufacture I mean Wesson Cartridge Company, East Alton, Illinois.

1241 I have seen the People's exhibit 6 for purposes of identification, purporting to be a .38 caliber weapon. That was also at the Crime Detection Laboratory in the month of March, 1953.

I examined this weapon for working condition, and I test fired this weapon into the bullet recovery box in the same manner as I test fired the .32 caliber

revolver. In that particular test firing, did the cartridge cases remain in the chamber of the gun?

Q. Do you have those tests with you now?

I ask that these two discharged .38 cartridge cases which have been referred to as the test shots now be marked as the People's exhibit 32 for identification. (Which items were so marked)

1242 (The Witness (continuing)): I checked those particular discharged cartridge cases against our open case evidence on file in this particular rifle category and the findings were negative, and I compared the cartridge cases fired in this particular weapon with two cartridge cases Laboratory designation N and O, People's exhibit 25. That was also a comparison microscope examination.

It is my opinion that these two cartridge cases, People's exhibit 25 were not fired in this particular revolver. When I refer to "this particular revolver" I am referring to People's exhibit 6.

Mr. McGovern: That's the .38 Spanish make.

1243 Q. Do you have an opinion, sir, as to whether or not those two discharged cartridge cases, the People's group exhibit 25 for identification, were both fired from the same weapon? Is that clear enough?

A. Yes.

Mr. McGovern: Do you have such an opinion?

A. I have.

Q. Will you tell us what your opinion is, sir?

A. It is my opinion that these two cartridge cases were fired in one revolver.

Q. You were not able to state at that time, were

1244 you, at any time to determine what weapon fired those particular—

A. No, sir.

The Witness (continuing): I never received the weapon which I could identify with these two cartridge cases. Those cartridge cases are the .38 Special. No, they could not have been fired in the .32 revolver.

1245 People's exhibit 24-A is a .38 Special lead lubaloy coated revolver bullet. People's exhibit 24-B which I have seen before, is a fragment of lead weighing 42 and 7/8 grains and there is some lubaloy coating on
1246 there. People's exhibit 24-C is a fragment of a bullet, lubaloy coated, weight 42 and 7/8 grains.

Mr. Lee: If Your Honor please, I appreciate the skill and knowledge of the witness, but I think I am correct in saying there has not been sufficient foundation for the last three statements that he gave as to 24-A, B, and C.

I am objecting specifically as to the foundation the characterization that he made.

The Court: You mean his qualifications as an expert?

Mr. Lee: No, not that. I mean his conclusions as to what the fragments are.

Mr. McGovern: Maybe we can clear that up with another question, as far as the objection is concerned.

1247 The Witness (continuing): I based my opinion that this is a .38 Special lead lubaloy coated revolver bullet, I am referring to 24-A on the basis of the overall length, caliber, number of cannelure present and seating depth present on them.

Exhibit 24-B is a fragment weighing 72 and 3/4 grains. That's all I was able to determine positively on that.

Mr. Lee: Object to fragment. He says "fragment".

1248 A. A lead fragment. I don't say it's a bullet fragment.

Q. Was that, sir, because you were not able to discern the identifying characteristics you testified to on the other exhibit 24-A?

A. That's correct.

The Witness (continuing): With reference to People's exhibit 24-C, I base my opinion that this is a fragment of a bullet because there is a knurling and indications of cannelure present and that this lead also has a lubaloy coating.

Q. Now, sir, with relation to this particular exhibit, were you able to determine whether or not it had been fired in this gun in front of you?

The Court: Which exhibit are you referring to?

Mr. McGovern: I am sorry. People's exhibit 24-A, the bullet, were you able to determine whether it had been fired in the gun in front of you, People's exhibit 6 for identification, or in People's exhibit 8 for iden-

1249 tification, the .32 gun.

A. Yes, I was.

Q. And what determination did you make, sir?

A. That this particular bullet, People's exhibit 24-A could not have been fired in either of those two weapons.

Q. And on what do you base that opinion?

A. Could not have been fired in this particular weapon because the class characteristics of the rifling are different, and it could not have been fired in the .32 Hopkins and Allen because of the difference in caliber.

Q. And when you talk about the characteristics being different, what do you mean by that, rifling?

A. This particular weapon is rifled five lands and grooves, right twist.

Mr. McGovern: Indicating you have in your hand, People's exhibit 6?

A. .38, People's exhibit 6.

Mr. Lee: I am objecting for the record, Judge. Nothing more.

1250 The Witness (continuing): The bullet, People's exhibit 24-A, shows rifling characteristics of six lands and grooves, left twist.

I have seen People's exhibit 28. People's exhibit 28 is the base portion and some of the nose portion of a .38 Special lead revolver lubaloy coated bullet, weighing 165 and ½ grains. It was fired in a weapon rifled with six lands and grooves, left twist.

1251 A .38 Special Colt is rifled with six lands and six grooves with a left twist.

Q. Sir, I show you at this time the People's exhibit 30 for purposes of identification, and I ask you to look at it; you have seen that before, have you not?

A. I have, sir.

Q. Do you know what this particular exhibit is?

A. It's the breach end of a 410 gauge shotgun.

Q. I show you what has been marked the People's exhibit 12 for identification and I ask you to look at that, sir. Can you tell the Court and the ladies and gentlemen of the jury what that exhibit is, People's exhibit 12 for identification purposes?

A. That is the mobile end of a 410 gauge shotgun.

Mr. McGovern: That is all I have at this time.

1252 (Whereupon a recess was taken until 2:00 p.m. same date.)

1253 Before Judge Elmer N. Holmgren and a Jury.

Court convened pursuant to recess.

2:00 p.m. Saturday, December 10, 1955.

Present: Mr. Joseph V. McGovern, Mr. Robert Cooney and Mr. Stephen Lee.

(The defendant and the jury are brought into open Court and the following proceedings are had in their hearing and in their presence.)

Mr. Cooney: Judge, we have a motion to withdraw the witness, Mr. Sojat, who has been turned over for cross examination and ask leave to call Arthur Walsh, and then resume with Mr. Sojat. We will have a few more questions on direct.

The Court: Any objections?

Mr. Lee: No objections.

The Court: I think it would be within my discretion. There being no objections, you may do that.

1254 ARTHUR WALSH, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is Arthur Walsh. I live at 3123 West 66th Street. I am a Police Officer of the City of Chicago. On March 20th, 1953, I was then a Police Officer of the City of Chicago.

On the afternoon of that date, March 20th, 1953, I had an occasion to go to the Evangelical Hospital in the City of Chicago. When I went there I saw the body of one Theodore Zukowski.

Q. Did you see the body of Theodore Zukowski at the Evangelical Hospital?

A. I did, yes.

1255 Q. I show you what I am going to ask at this time be marked and referred to in this case record as People's exhibit 33 for identification, purporting to be a
1256 bullet--(Which said bullet was so marked) I show you now what I refer to as People's exhibit 33 for identification and I ask you to look at it, sir.

You have looked at it, have you not?

A. Yes, I have.

Yes, I have seen that exhibit before. I saw it in the morgue of the Evangelical Hospital that afternoon.

Well, Zukowski was lying on a table with a sheet over him and I had stripped his clothes from his body and when I got to the underwear of the upper part of the body, this was lying between the underwear and the body; the back.

It was around the shoulder blade, left, about just where the curvature of the shoulder blade would curve outward to the outside of the body.

1257 I marked that exhibit. On the base of the bullet. I know the number on there now. It is in the same condition now as it was at the time I recovered it. The mark isn't quite as fresh, but it is there.

Q. I show you a chart, marked People's exhibit 27 for identification, purporting to be the figure of a person on the back side, and I ask you if you can show the general direction on that back where you found the bullet.

A. Well, it was right in this area here.

The Court: Read into the record what it indicates.

Mr. Lee: I object to that question, Judge. The previous statement of the witness wasn't that he found it in the back. He said he found it in the clothing.

The Witness: I found it in the clothing, between the clothing and the back.

The Court: He said he found it between the under-
1258 wear and a certain part of the body, and I think he may show in what part of the body he found it, or adjacent to it. Overruled.

Q. I will show you the area in the back—

A. Right over, slightly over the center of the back.

Mr. McGovern: Indicating the area at or about the vicinity of the shoulder blade, is that right?

A. That's right.

Q. When you saw him at that time, was the body face up?

A. The body was face up and I had tilted the body to its right side with the intention of—

Q. That's when you found the bullet, People's exhibit 33?

A. That's right.

Mr. McGovern: You may cross examine.

Cross Examination by Mr. Lee.

The Witness: My examination of the body was around 4:00 in the afternoon 3:30 or 4:00 o'clock. There was also present a Police Officer and a nurse.
1259 I took exhibit 33 to the 18th District Stockyards Station at 48th and Halsted. I had it inventoried there.

I don't recall the next time I saw it. It probably was in the first trial in June, 1953. No, I did not testify in the trial in June, 1953 with reference to this.

Mr. Lee: When you say you saw it in the trial—

A. At the time of the trial.

Q. But not in the court proceedings. (No answer)

Mr. Lee: Answer me yes or no.

A. Yes.

1260 Mr. Lee: Answer me.

Mr. McGovern: Object to Counsel badgering the Witness.

The Court: Maybe he has to stop and think.

Mr. Lee: Was it introduced in evidence as an exhibit in June, 1953?

Mr. McGovern: Immaterial. It is what is happening at this trial, Judge.

The Court: Sustained.

Mr. Lee: Was it shown to the jury at that trial?

Mr. McGovern: Object, if the Court lease.

The Court: Sustained.

Mr. Lee: Who brought it to the courtroom that day?

Mr. McGovern: Object.

The Court: I will let him answer, on the theory that the first time he saw it was at that time and I will permit counsel to go into that.

Mr. McGovern: He is assuming that this exhibit was brought to court. There is no testimony about that.

The Court: Overruled. He may answer.

The Witness: Well, certain officers, I don't know
1261 their names, brought it up to the courtroom and displayed it.

Mr. Lee: Did you testify with reference to that particular exhibit in the trial in June, 1953?

A. I did not. No, I did not.

Q. Did you hear anybody else?

A. No, I heard no one.

Q. This is the first time in any judicial proceeding that there has been testimony about that particular exhibit 33. Yes or no.

Mr. McGovern: Object. Immaterial.

The Court: I will sustain the objection.

Mr. McGovern: This is the first time they have seen this diagram, too.

Mr. Lee: Strike out the last remarks.

The Court: They may go out. Any time that a motion is made to strike testimony and such objection is sustained, it will be, the jury should not consider that as evidence. The jury should only consider the evidence that is properly admitted.

Mr. Lee: Well, I am now making a motion to strike out all Officer Walsh has testified to at this time.

1262 The Court: On what grounds? For what reason?

Mr. Lee: Well, he hasn't told about what happened to it, or who kept it from the time he recovered it from the clothing of the deceased up to June, where it was or anything else.

The Court: However—Are you through, Mr. Lee?

Mr. Lee: I have finished.

The Court: However, the testimony of the witness is that it is in the same condition with the exception of the fact that the marking isn't quite as distinct as it was at the time he made it; otherwise it is in the same condition as it was when he placed the mark there when he first saw it. So, on that ground I overrule your objection.

Mr. Lee: You had a conversation today sometime with Mr. Cooney or Mr. McGovern, relative to this People's exhibit 33.

A. Yes, I talked with them.

Mr. Lee: That is all.

(Witness excused.)

1263 JOHN G. SOJAT, called as a witness on behalf of the People, having been previously duly sworn, resumed the stand and testified further as follows:

Direct Examination (resumed) by Mr. McGovern.

The Witness: I am the same John G. Sojat who previously testified before the lunch recess. I understand that I am still under oath.

I knew and recognize what has been marked as People's exhibit 33 for purposes of identification. I have
1264 seen it before. This is a .38 Special lead lubaloy coated revolver bullet.

Q. Now, sir, could that particular exhibit have been fired in the People's exhibit 6 for purposes of identification, this Alamo Spanish type revolver?

A. No, sir.

Mr. Lee: I object to that. He hasn't got a foundation for the question.

The Court: Well, we have had testimony prior to this as to the kind of weapon and the rifling and all the details concerning People's exhibit 6.

Mr. McGovern: That is the Spanish Alamo.

The Court: Overrule your objection.

The Witness (continuing): No, it could not have been fired by that weapon. The rifling in that weapon is five lands and grooves, right twist and the rifling
1265 on this bullet is six lands and grooves, left twist. It could not have been fired in that .32 weapon, People's exhibit 8 for the purpose of identification. There is

a difference of caliber. On the basis of similarity of class characteristics, it could have been fired by a .38 Special Colt.

Mr. McGovern: You may cross examine, Mr. Lee.

Cross Examination by Mr. Lee.

The Witness: I am a technician senior grade at the Laboratory. I am on leave of absence from the Department.

1266 The testimony I have given is as an expert in a particular science. We refer to it as firearms identification. Ballistics is a broad field. Firearms identification is referred to as a forensic ballistics. The distinction between ballistics, that includes projectiles 1267 and all that. I am referred to as a ballistics expert.

Mr. Lee: Perhaps erroneously.

A. Yes.

The Witness (continuing): I have been engaged in that kind of work for at least eight years. I joined the Police Department on July 1, 1929; that would be twenty-six years, or better. Prior to 1947, I was in some other phase of police work. I was then Secretary in the Traffic Division.

1268 My interest in firearms identification goes back to the time I took a special course in firearms identification in 1933. In 1933 it was a rather young science. It was developed in about 1920 and '22 to '24, in that particular period.

The object of firearms identification police work is to determine if a certain pellet came out of a certain gun, or if a certain gun was used. In my experience along the line some place, either as a Police Officer or prior thereto, I have made a study of various firearms manufacturers.

1269 The prominent manufacturers of hand weapons commonly known as pistols are Ivar Johnson, Harrington-Richards, Smith & Wesson, Colt, at the present time Rugas Firearms Company. That is in the U.S.; and for long guns, Remington and Winchester. None of those manufacturers are in the city of Chicago. None of those are in the state of Illinois.

1270 I have visited Harrington and Richards, Worcester, Massachusetts; Smith & Wesson, Springfield, Massachusetts; Colt Firearms Company, Hartford, Connecticut; Remington Firearms Company, Bridgeport, Connecticut, and Winchester Repeating Arms Company at New Haven, Connecticut.

I did not spend a considerable amount of time studying the various molds of pistols. My visit was limited, and the purpose of my visit was to observe at first hand the manufacture of weapons and particularly the manufacture of those parts of a weapon which are intimately connected with firearms identification.

In the factory there is a mold for each weapon, it's machine made. They make any number of revolvers off the same machine. The barrel could come off the

1271 same, that is, be machined with the same machine, the same cutters, as another barrel. A lot of them come off the same machines.

Even though they all come off the same machines there are differences on the inside of the barrel. The differences that make up this particular science in which I am an expert, are within the barrel.

1272 We would not distinguish on the basis of the rifling because in the case of one weapon of the same metal, the rifling would be the same, that is, the lands and

grooves and direction of the twist would be the same. The distinguishing marks that we go by in firearms identification are on the scratches and irregularities imparted to the bullet by the imperfections that exist in the bore of the weapon. The imperfections in the bore of the weapon that come off a machine. Other characteristics are acquired during the lifetime of the weapon.

The word lubaloy is a coined word and used by Weston Cartridge Company and derived from the long word of lubricating alloy.

1273 As a science it requires training and skill. I try to make an explanation simple.

Cartridges are also embraced within the identification of firearms. Exploded bullets leave the "shell"; another name for it, I call it cartridge case.

When a pistol is fired, the cartridge case remains within the pistol. It revolves. In an automatic pistol it is ejected.

1274 One element of the work that I do embraces the markings made by the hammer on the pistol on the cartridge case. Another is the breech face markings of the pistol on the cartridge case. Yes, I indirectly give consideration to erosion on the pistol as the result of constant usage. I did not study the breech face of the pistol to the cartridge face in question, but if there should be erosion or corrosion on the breech face it would leave characteristic impressions on the brass cartridge case and primer.

No, I don't use photographs. Yes, in my depart-
1275 ment we can make photographs. I did not use any photographic equipment in connection with my examination of these objects that are on the table here.

I could not arrive at a conclusion that People's exhibit 12 for identification and number 30 for identification are part of the same original firearm. I have
1276 nothing to base it on. I am assuming nothing.

Firearms identification isn't an exact science. It's a skill based on scientific principles and the use of scientific instruments, but it should not be called an exact science in itself. The difference between an exact science and that known as firearms identification might be compared to the science of chemistry and medicine. One is an exact science and the other isn't.

Exhibit 24-A is readily distinguishable as an expelled bullet. No. B is not distinguished as a fragment of an expelled bullet. I am positive I testified that was a fragment. I did not call it a fragment of a bullet.
1277 I testified that C was a fragment of a bullet. The smaller of the two is a fragment of a bullet. That by the presence of cannelure markings and knurlings on there and also the presence of copper plating which is also an element in deciding that that is a fragment of a bullet. Cannelures are grooves of the bullet used for the purpose of holding grease. Knurlings are cog-like peaks in the cannelure itself. The cannelures go around the circumference of the bullet.

On fired bullets, vertical markings, marks that are
1278 parallel with the rifling, first of all they might be the groove impressions of the barrel and land impression of the barrel and be accidental markings from the surface of the barrel itself.

The Court: I think that is People's exhibit 31.

Mr. McGovern: Yes.

The Witness (continuing): Exhibit 6 for identification is a .38 Special Spanish revolver with the trade

name Alamo Ranger. I am not certain that gun has proof marks that frequently are used, but that gun is marked Spanish and I have seen a number of other commonly referred to as Spanish Alamo revolvers. Machine operations are used in the making of the Spanish gun the same as the making of an American gun.

1279 There is a difference between a foreign made gun such as this Spanish gun and an American product. Usually the quality of the gun isn't there. Some of them are pretty close imitations of, particularly the Smith & Wesson revolvers. The finish isn't as smooth. I am speaking now about the revolvers as we receive them and as they come from Spain.

The barrel on exhibit 8 is loose. It can be turned by the finger at the present time. I can't conceive of it leaving the factory in that condition. I believe we could remove it completely if we just unscrewed it all the way.

Yes, at some time or another a substitution could
1280 have been made of the original barrel for the existing barrel. Yes, that can be done to American made pistols the same way. They can be removed and other barrels screwed in. That .32 for instance, exhibit 8 could be removed also.

Q. In regard to powder burns; powder and smoke is involved in your science too, isn't it?

Mr. McGovern: Judge, we will object to that as being beyond the scope of the testimony here at this particular time.

The Court: It was a double question and had to do with powder and burns.

Mr. Lee: The smoke from—

The Court: I will sustain the objection. You may ask about powder.

The Witness (continuing): Yes, powder is discharged and forces the bullet forward and the powder leaves in the form of smoke and other residue.

1281 Most of my work is done under comparison microscope, that is for identification purposes. It's a double microscope with comparison bridge.

1282 The two bullets placed on the two microscopes and observed through a comparison eye piece are manipulated, one or the other is turned until such time as a strong similarity or striations on the surface indicates that they are in proper face position.

Then a study is made by slowly rotating both bullets and examining them under a comparison microscope to see whether these striations pass from one bullet to the other at the point of the divided field in the ocular.

Q. You know, exactly know the lands and grooves of a standard .38 pistol, don't you?

A. They vary in this particular weapon here; the Spanish Alamo had five lands and grooves.

Mr. Lee: That's a .32, but I am talking about a .38.

A. That's a .38 Special there, and a .32 has six lands and grooves.

Mr. Lee: That is all.

Mr. McGovern: That is all. Thank you.

(Witness excused)

1283 THEODORE FRED RUSCH, called as a witness on behalf of the People, having been first duly sworn, was examined and testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Theodore Fred Rusch. I am the same Rusch that testified here previously. I am a plant guard at Libby's. I was a plant guard on March 20th, 1953.

Yes, I knew Theodore P. Zukowski in his lifetime. I had known him for ten years. Yes, I knew him when I saw him. I saw him when he was dead.

1284 Mr. Cooney: I am going to show you a picture, and I want you to keep it from the eyes of the jury, do you understand?

A. Yes.

Mr. Lee: I am objecting to this procedure, Judge.

The Court: Overruled.

Mr. Cooney: I want you to take a look at what has been marked People's exhibit 29 for identification and I want you to look at it sir. Do you know whose body that is?

A. That's Ted Zukowski's.

Mr. Lee: Object to the question, Judge.

The Court: Overruled.

Mr. Cooney: Does that truly and correctly portray the dead body of Theodore Zukowski as you saw him on March 20, 1953?

A. Yes.

Mr. Lee: Object to the question and ask it be stricken.

The Court: Overruled.

Mr. Cooney. Your answer is what, sir.

A. Yes, sir.

Q. Now, did Ted Zukowski, whose picture I have just shown you, is he the same Ted Zukowski who was
1285 the chief of the Libby plant guards on March 20, 1953?

A. Yes

Mr. Lee: Object to that question, the way it was formed.

The Court: Overruled.

Mr. Cooney: Your answer was what, sir?

A. Yes, sir.

Q. One other thing—

Mr. Lee: There is a pending objection.

The Court: Overrule the objection.

Mr. Cooney: One other thing: on March 20, 1953, in the hallway of Building E on the fifth floor, your gun was taken from you, is that right?

A. Yes, sir.

Mr. Cooney: Let me ask you this, sir: what kind of gun was taken from you on the fifth floor of Building E on March 20, 1953.

1286 Mr. Lee: Object to that because it was answered the other day.

The Court: Overruled.

The Witness: Colt revolver .38 Special.

Mr. Cooney: Have you ever seen it since?

A. No, sir.

Q. Has it ever been recovered, as far as you know?

A. No, sir.

Q. Do you know where it is?

A. No, sir.

Mr. Lee: No questions.

Mr. Cooney: That is all, Mr. Rusch, step down.

(Witness excused)

(It was stipulated by and between the People
1287 of the State of Illinois and the defendant Paul Crump in his own proper person and through his attorney, Mr. Lee, that his age, for the record, is now about the age of twenty-five years.)

People's exhibit 22 marked for identification, being the joint statements of Eugene Taylor and Paul Crump, purportedly taken on March 26, 1953, were offered in evidence (Jury recesses).

The Court: Let the record show at this point the jury has retired to the Jury Room and are not in the Courtroom.

1287-1290 (Mr. Lee's argument in opposition to People's exhibit 22 being received in evidence.)

Mr. McGovern: To expedite it, so that there will be no prejudice, will not prejudice the rights of this defendant to a fair trial, we will agree on behalf of the State at this time to strike out the following language from People's exhibit 23 for identification, which reads as follows:

"Q. And why did you want some money when you started planning this robbery? What were you going to do with it?

A. Well, I was in trouble down South, and I needed some money for that."

1291-1293 Mr. Lee: If a statement has been flagrantly indicated by the adverse party, meaning the People, to be worthless, and indicated in a hearing in this proceeding that began a week ago last Monday that the statement wasn't good, and again today by the man who took it, presently Judge Austin, that they did not

even want his signature, and if at a prior hearing by the State's Attorney's office of Cook County it was argued at the trial as follows, and I read from page 747, volume two of abstract of record that was in the Supreme Court of Illinois.

Mr. McGovern: This Judge, I don't think should go into this record. I am objecting to reading from any abstract that isn't evidence in this case. I don't think it should go into the record.

The Court: Sustained.

1294-1295 (The discussion continued.) (The jury is returned into open court and the following proceedings are had in their hearing and in their presence.)

The Court: The objection of the defendant to People's exhibit 22 is overruled and it may be received in evidence as People's exhibit 22.

The objection of the defendant to People's exhibit 23 is overruled and it may be received as People's exhibit 23.

Mr. Cooney: May the record show—I don't know whether I have formally offered exhibit 23, but at this time I offer in evidence People's exhibit 23 for iden-
1296 tification and ask it be received in evidence as People's exhibit 23.

The Court: Let the record show that the defendant objects to the introduction of People's exhibit 23 into evidence and the Court hereby overrules the objection of the defendant to People's exhibit 23 for identification and the document may be admitted as People's exhibit 23.

Mr. Cooney: I ask leave at this time, Judge, to read to the jury people's exhibit 22 in evidence.

The Court: You may.

Mr. Cooney: May it please the Court, Mr. Lee, and ladies and gentlemen of the jury, at this time the Court has allowed me to read to you People's exhibit 22, which you recall is a joint statement of Eugene A. Taylor and Paul Crump, taken in Room 276 of the State's Attorney's Office, Criminal Court Building, Chicago, Cook County, Illinois.

Which said People's exhibit 22 is in words and figures as follows, to-wit:

1297 Re: People *vs.* Paul Crump, et al.

JOINT STATEMENT
of
EUGENE A. TAYLOR
and
PAUL CRUMP

taken in room 276, State's Attorney's office, Criminal Court Building, Chicago, Cook County, Illinois, on Thursday March 26, 1953, at 1:45 o'clock P. M.

Present: Mr. Richard Austin
First Assistant State's Attorney.
Mr. Irwin Bloch,
Assistant State's Attorney,
Chief J. T. O'Malley,
Chief of Detectives.
Captain Frank Reynolds,
18th District.
Lieutenant John Olson,
State's Attorney's Office.
Officer Edward McLaren,
Robbery Detail.
Officer Arthur Walsh,
18th District.
Reported by H. Erickson
Book No. 5310.

1298 Mr. Austin: Q. Will you tell us your name?

Eugene Taylor: Eugene A. Taylor.

Q. Where do you live?

A. 5413 South Woodlawn.

Q. And how old are you?

A. 22.

Q. Where do you work?

A. Work for the CTA.

Q. How long have you worked for them?

A. About eight months.

Q. Are you married?

A. No, single.

Q. How long have you known—what is your name?

Paul Crump: Crump, Paul Crump.

Q. How long have you known Paul Crump?

Eugene Taylor: A. About six months, maybe a little better.

Q. And how do you know him?

A. One night I met him at the Southern Grill, they closed it up, it is in the 4200 block on Lake Park, right on the corner of 43rd almost.

Q. Do you have a brother?

A. Yes, I have four brothers.

Q. And is one of them locked up here?

A. Yes, one of them is locked up now.

Q. What is his name?

A. David Taylor.

Q. What time were you arrested this morning?

A. About five minutes to six.

1299 Q. And where were you arrested?

A. At my home.

Q. And you were brought to the State's Attorney's office?

A. I was brought straight out—first they took me by my mother's house and picked him up.

Q. And then you were brought out here?

A. And then I was brought out here.

Q. Will you tell me your name?

Paul Crump: Paul Crump.

Q. How do you spell your last name?

A. C-r u-m-p.

Q. Where do you live?

A. 1231 West 110th Street.

Q. And are you married?

A. Yes, I am.

Q. Do you have a family?

A. Yes, I have.

Q. Where are you employed?

A. I was working for William E. Dee.

Q. And is that on Blue Island?

A. In Harvey.

Q. What address?

A. I don't know the exact address, I know it is on Center Street.

Q. How long has it been since you haven't been working?

A. Since Wednesday, Wednesday.

Q. Of last week?

A. Of last week, yes.

1300 Q. How long have you known Taylor here?

A. Oh, about seven months, six or seven months.

Q. Do you know his brother, Dave Taylor?

A. Yes, sir, I know him.

Q. Do you know a boy by the name of Hudson Tillman?

A. Yes, sir, I do.

Q. How long have you known him?

A. Nearly all my life.

Q. Does he live in Morgan Park?

A. Yes, he do.

Q. Taylor, how long have you known Hudson Tillman?

Eugene Taylor: I met him through Paul.

Q. Well, how long before?

A. I met him the day of the robbery.

Q. You never met him prior to that time?

A. Never seen him before in my life.

Q. Where does your brother Dave work?

A. Libby, McNeill & Libby.

Q. Do you have any other members of your family that work there?

A. No.

Q. Now, did you, Taylor, participate in a robbery of Libby, McNeill & Libby on the 20th of March?

A. Yes, sir, I did.

Q. And did you, Crump?

Paul Crump: Yes, sir, I did.

1301 Q. Taylor, who was with you on this robbery?

Eugene Taylor: There was Riggins, Harold and Hudson Tillman, myself and Paul Crump.

Q. And by Riggins, that is spelled R-i-g-g-i-n-s?

A. I really don't know, it is the first time I met him.

Q. When was the holdup of Libby, McNeill & Libby first discussed?

A. Let's see now, I had talked with Paul about it maybe a week or two, maybe it has been longer than that.

Q. I show you a picture that has on the front of it No. 75780. Is this a picture of the man Riggins that you were talking about?

A. It looks like that.

Q. Crump, will you look at this picture and see if that looks like Riggins?

Paul Crump: Yes, that's him.

Q. Who is the first one you talked about a holdup with, Taylor?

Eugene Taylor: Me and Paul.

Q. And when was the first time you discussed a possible holdup?

A. One night sitting in a lounge on—let's see, I
1302 think it was—well, it is 43rd, I don't know the exact address but we was sitting in a little old bar like.

Q. How long before the robbery was it?

A. About two or three weeks.

Q. And when was it you first decided that the place you were going to hold up was Libby, McNeill & Libby?

A. That was the main discussion.

Q. I mean, that was the place discussed from the first?

A. That's right.

Q. Why was Libby, McNeill & Libby picked as the place you were going to hold up?

A. That was the place he suggested to me.

Q. Paul did?

A. Yes, we got on the discussion about the money that they had and that was it.

Q. Did you talk to anybody regarding when the money was delivered and how it was carried around at Libby, McNeill & Libby?

A. Well, I didn't know anything about how it was carried, I didn't know what time it was or nothing.

Q. Who told you?

A. Until I talked with Paul.

1303 Q. Paul Crump, how did you know anything about Libby, McNeill & Libby?

Paul Crump: A. I used to notice the guard.

Q. Did you use to work over there?

A. I noticed the man coming through on Fridays.

Q. Did you use to work there?

A. Yes.

Q. And when did you work there, Paul?

A. 1952.

Q. When did you quit working there?

A. Same year, I don't remember the exact month.

Q. Well, about how long before the robbery was it that you quit working there?

A. Oh, about five months before the robbery.

Q. Did you know anybody else that worked there?

A. I knew quite a few people that worked there.

Q. Did you depend on any of the rest of them on the matter of the guard and the money?

A. No, I didn't.

Q. You just depended on your own knowledge?

A. That's right.

Q. And you were the one that furnished Taylor with the information about the money?

A. Taylor and Tillman and the rest of them.

Q. What name did you use when you worked at

1304 Libby, McNeill & Libby?

A. Byron Fox.

Q. You don't know just when it was that you quit?

A. No, I don't.

Q. You used to work there and you saw this guard and money every Friday, is that right?

A. That's right.

Q. And you were familiar with the doors they went through and the stairway they went up and down, is that right?

A. That's right.

Q. Did you know approximately how much money they carried?

A. A. No, but I knew it was a large sum.

Q. Are you the one that made arrangements for Hudson Tillman to get into this thing?

A. That's right.

Q. And how did you happen to do that?

A. I just approached him.

Q. What did you say to him?

A. I asked him did he want to make some money, take a chance.

Q. And who was it that mentioned guns, if anybody?

A. Well, Riggins had a pistol, I think, and then Hudson and Riggins got hold of two more.

Q. Do you have a gun of your own?

A. No.

1305 Q. Did you ask anybody about the guns? Did you ask Tillman about the guns?

A. He said he got them up in—I don't know where he said, some place out of Chicago.

Q. Did you ask Riggins or Hudson about the car?

A. That's right, I asked both of them.

Q. Who arranged to get a car?

A. Hudson.

Q. What arrangements did you make about getting to the scene of the robbery on the morning of the 20th?

A. We went in his car.

Q. What?

A. We went in the car that Hudson had, Tillman.

Q. What time did you meet on the morning of the 20th?

A. About ten, wasn't it? Ten-thirty.

Q. Is that about right, Taylor?

Eugene Taylor: About ten-thirty.

Q. And going on with you Taylor, where did you meet at ten-thirty?

A. 43rd, under the "L" station, 43rd, right under the "L" station.

Q. 43rd Street and what other?

A. It is an "L" station between Calumet and
1306 Prairie, that is where it is located, an elevated station there.

Q. Who did you meet at ten-thirty, Taylor?

A. Well, I came—I think I was number one and I think Paul came and this other fellow, they came together.

Q. Who?

A. Riggins and Tillman, I think they came in the same car.

Q. Were Paul and you there when Riggins and Tillman arrived?

A. I was—what did you say?

Q. You got there first?

A. That's right.

Q. Then Crump got there second?

A. Yes.

Q. And then these other two men you hadn't met came last, is that right?

A. That's right.

Q. And you were introduced to them by Crump, were you?

A. That is the first time I seen them.

Q. Did you at the time you met them have a gun yourself before they got there?

A. No, I received one from this fellow Riggins, he gave me a gun.

Q. And what kind of car did they arrive there in?

A. In an Oldsmobile.

Q. What color?

A. A red Oldsmobile.

1307 Q. And before you went over to Libby, McNeill & Libby, did you discuss your plans?

A. Well, just going up and get that money.

Q. Who was going to wait in the car?

A. Riggins.

Q. Was he the driver of the car?

A. He was driviing.

Q. And did you instruct Crump or Hudson Tillman what to do when they got there? What floor to go to?

A. I didn't know nothing about the plant.

Q. Crump, did you tell them what to do when they got there?

Paul Crump: A. Yes.

Q. What did you tell them?

A. I told them just to follow me on up there.

Q. And the four of you rode over there then in this red Oldsmobile, is that right?

A. That's right.

Q. When you got there, who got out of the car, Crump?

A. Him and I and Tillman.

1308 Q. What kind of gun did you have in your hand?

A. A .32 revolver.

Q. What kind of gun did you have, Taylor?

Eugene Taylor: A. I had it in my pocket, a .38.

Q. What kind of gun did Hudson Tillman have?

A. I thought he had a shotgun, I don't know, see I had my coat on.

Q. Did you see a shotgun in the car?

Paul Crump: There was a shotgun.

Eugene Taylor: They had a shotgun but whether he took it with him I couldn't say. I thought that was the main reason for bringing it.

Q. When you got in the car you noticed this sawed-off shotgun?

A. It was a sawed-off shotgun.

Q. And you didn't have it?

A. No, I didn't have it.

Q. And you didn't have it, Crump?

Paul Crump: No.

Q. And if anybody took it, Hudson Tillman took it, is that right?

A. Unless it was left in the car.

Q. But I say, if anybody took it, he took it?

A. Yes.

1309 Q. What floor did you go to, Taylor?

Eugene Taylor: A. Third or fourth.

Q. And you just followed Crump up the stairs?

A. Up the stairs.

Q. And who was the first people you ran into?

A. A lady and a man.

Q. And what did you do with the lady and the man?

A. Told them to stand aside the wall and don't move.

Q. Did you see either the lady or the man—

A. Did I see them?

Q. This morning?

A. I am not sure, I am not sure whether it was them or not that came looking us over.

Q. Now, in addition to that shotgun did you see a barrel of a shotgun in the car?

A. No, I did not.

Q. Did you, Crump?

Paul Crump: A. Yes, I had the barrel of the shotgun.

Q. You had the barrel of the shotgun. Crump, this barrel was taped up with tape, was it?

A. Yes.

Q. Now, are you, Taylor, the first one that ran into some of the employees there?

Eugene Taylor: A. This lady and the man were
1310 the first I ran into.

Q. And what floor was that?

A. That was right in the cooler.

Q. What floor is that, do you know?

A. Third or fourth, sir, I really don't know.

Q. What did you do when you ran into those two people, the lady and the man?

A. I told them it was a holdup, don't move, to do nothing wrong or they would get hurt so they didn't say anything. I told them to stand against the wall which they did. I told the man to get on his knees with his hands on his head and I told the lady to stand right there by him, I let her stand up and then I mean, that is when the people, a little while after the people started coming through with the money and Tillman and Crump ran out and I had these two covered, but to make sure, I helped them, I went out and helped them, to aid them and left the other people there where I intercepted them.

Q. Were they locked up or tied up?

A. No, they just stood there from fright, they didn't try to run or anything like that.

Q. Going back to you, Crump, did you run into some people?

1311 Paul Crump: A. No.

Q. Didn't you bump into any people?

A. When I was coming out?

Q. At any time didn't you see any people in there?

A. I just seen the guard and the two men with the bag and the people that come in.

Q. Did you see the man with the money box?

A. Yes, I seen him.

Q. What did you do with this taped up barrel of that rifle while you were in there?

A. I was threatening the man with that.

Q. Which man?

A. The guard.

Q. Is that the one that Taylor had or another man?

Eugene Taylor: A. No, they were two different people, one was a guard and the other was an employee. The one that he had was a guard and the two I had were employees.

Q. Did you, Taylor, strike any of these people with your gun?

A. No, they didn't do anything wrong, I told them to stand there.

Q. Did you strike anybody?

A. No.

Q. Did you see anybody strike them?

1312 A. No, I didn't see nobody do anything violent.

Q. Did you, Crump, strike anybody?

Paul Crump: I struck the policeman.

Q. The man who was shot?

A. I don't know if he was shot or not.

Q. You know somebody was shot, a guard was shot?

A. The one I got the gun from.

Q. Did you strike him with this taped up barrel?

A. That's right.

Q. Did you strike any women?

A. No.

Q. How many people did you strike with the barrel?

A. Just one.

Q. Did you see Tillman strike anybody?

A. No, I didn't.

Q. Well, who was the first one that ran into some men with some money? You?

Eugene Taylor: A. No, I was guarding the other two.

Q. Did you run into the people with the money?

Paul Crump: A. I was to take the gun away from him.

Q. Which man?

A. The policeman.

Q. Did you run into a guard and take his gun away from him?

A. That's right.

Q. Where was Tillman at the time you did that?

1313 A. He was getting the bag from the cashier. Then he stepped out to get the box.

Q. Tillman got both the bag and the box?

Eugene Taylor: No, I did.

Paul Crump: A. He stepped out and got the box.

Q. Did you get the bag before you got the box? Did Tillman get the bag before you got the box?

Eugene Taylor: A. I don't know, I got the box and I had my back toward the rest of them and I thought they had him covered so that is why I wasn't worried. I was aiming at this box.

Q. And where was Tillman at the time you got the box?

A. I am not sure because I ran past them, I started to run up the stairs to get the box, which I did.

Q. When was it you fell down and you discharged the gun?

A. Me, when I got the box from him, they all went back inside, inside the cooler, see, and when I got ready to go into the cooler I seen a fellow pass me, that is the fellow I ran after but didn't catch. I ran out on the stairs and my gun discharged.

Q. And do you know whether that shot hit anybody?

A. Well, it couldn't possibly hit somebody because I was coming—there wasn't nobody on the stairs but
1314 me because he just left. There was a few stairs there, sir, that is when my gun went off. It could have gone straight through the wall.

Q. Now, after you got out with the box, you grabbed this box of money, is that right?

A. Yes, I grabbed this box.

Q. And where did you go?

A. I ran back downstairs to where we had first started and out the building, I ran in front of Libby, McNeill & Libby and I walked down the stairs and I seen a truck and I took a chance and there was keys in it. That is when I cranked it up and left the Stockyards.

Q. You didn't crank it up.

A. I started it up and left out of the Stockyards.

Q. You went away from the scene in the car by yourself?

A. Yes, there was nobody with me.

Q. You had the box of money with you?

A. I had that box with me.

Q. Where did you drive to?

A. First, let's see—

Q. Where did you finally wind up?

A. 74th and Wabash.

1315 Q. And did you abandon the car there?

A. I left the truck there.

Q. And what did you do with the box?

A. The money I threw on the seat when I got out of the truck. I got out and ran and I didn't bother with the money. I kept my pistol in my pocket and I ran out and ran over on Michigan and I seen a taxi coming and I took a taxi and went over to 51st Street and threw the gun in the lake.

Q. Did you look to see how much money was in the box?

A. The box was locked, I couldn't get into it anyway, see, so I went to 51st Street and threw the gun in the lake, ran back home and I burned my jacket.

(At this time Mr. Richard Austin, Mr. Irwin Bloch, Lt. John Olson and Eugene Taylor left the room.)

(Short recess taken.)

Chief O'Malley: Q. During the absence of Mr. Austin and Eugene Taylor, Captain Frank Reynolds and myself are sitting with you here in this room at the present time in company with Officer Arthur Walsh of the 18th District and Edward W. McLaren of the Robbery Detail of the Detective Bureau. Now, Paul,
1316 after you got the guard's gun, what did you do with —by the way, did you menace the guard to obtain the gun?

Paul Crump: A. I had a .32 revolver and a piece of pipe.

Q. When you refer to a piece of pipe, are you referring to the barrel of a rifle that was severed and taped by you?

A. I am referring to a rifle that was—yes.

Q. Now after you obtained the guard's gun, what did you do with the guard's gun?

A. I turned around and gave it to Tillman and pushed the guard in the cooler.

Q. Now, did Tillman have anything in his hands at the time you passed the gun from the guard to him?

A. He got a bag of money from the man.

Q. He got a bag of money from the man. When you say he got a bag of money will you describe what that bag of money looked like?

A. In a black bag, black leather bag.

Q. A black leather bag?

A. Yes.

Q. Was it like a satchel? You know what a satchel is?

A. Yes.

1317 Q. Was it like that?

A. Yes.

Q. And was he holding that bag of money or satchel in his hand at that time?

A. Yes.

Q. I am referring now to Hudson Tillman.

A. Yes, I believe he was.

Q. What hand did he have the bag of money in?

A. I can't tell you offhand. I know he switched hands.

Q. You know he switched hands?

A. Yes.

Q. When you put the revolver into his hand, or gave him the revolver, what hand was he holding the revolver with?

A. His right hand, I believe.

Q. In his right hand. Now after you gave him the revolver, what did you next do?

A. That's when he fired, I believe.

Q. That is when a shot was fired by Eugene Taylor?

A. That's right.

(At this time Mr. Richard Austin, Mr. Irwin Bloch, Lieutenant John Olson and Eugene Taylor entered the room.)

Chief O'Malley: Q. After the shot was fired by Eugene Taylor, what did you do next?

1318 Paul Crump: I ran down the steps.

Q. And how far down the steps did you run?

A. I ran all the way down to the first floor.

Q. All the way to the first floor?

A. To the first floor.

Q. And after you got to the first floor what did you do then?

A. I ran out of the building.

Q. You ran out of the building?

A. That's right.

Q. Where did you subsequently find your way out of the building? What location?

A. When I went out?

Q. Yes.

A. In the basement.

Q. From the basement. Now when you came out from the basement where did you come out from?

A. Come out from the third floor.

Q. From the third floor?

A. Third or fourth, fourth floor, I think.

Q. You came all the way down to the basement from the third or fourth floor, is that right?

A. That's right.

Q. When you came down on the third floor did you pass anybody on the third floor?

1319 A. Did I pass anyone on the third floor?

Q. Yes, was there anybody on the third floor land-

ing at that time?

A. No, there wasn't except—no, I don't think there was.

Q. And you didn't see anybody while you came down, when you came down that way?

A. No.

Q. Now, where was Hudson Tillman at that time?

A. I imagine he was still up on the third floor inside of the cooler, I believe he was.

Q. Now did you see Hudson Tillman after that?

A. No.

Q. When was the next time you saw Hudson Tillman after the commission of this robbery?

A. Today.

Q. Today. Where did you see him at today?

A. State's Attorney's office.

Q. And refreshing your memory as to the day of the commission of this robbery, I now show you a gray felt hat, a Dobbs make with the name of J. G. Tobias of 2403 West Madison Street in the city of Chicago and the size of this hat is size No. 7. Did you ever see that hat before?

1326 A. That is my hat.

Q. That is your hat. Would you put that hat on and see for yourself as to the size. Now, is that the same hat that you had on that day?

A. That's right.

Q. How are you sure that that is the same hat? Do you remember where you purchased that hat?

Q. You know it is your hat. That hat fits you?

A. Sure.

Q. And the size is 7?

A. That's right.

Mr. Austin: For the record, we are talking about a hat that is inventoried by the Police Department of Chicago, Inventory No. 415935.

Chief O'Malley: Q. I now show you a rifle barrel sixteen inches in length with the initials J. F. inscribed on the side and ask you did you ever see that before?

A. Yes, sir, I saw it before.

Q. Where did you see that?

A. I had it the day of the crime.

Q. Now, on the day you had that and the day of the crime did you do something with that previous to
1321 the date of the crime?

A. Yes, I sawed it off of a shotgun.

Q. You sawed it off of a shotgun. After you sawed this rifle barrel or barrel off of this shotgun, did you do something with that barrel after you sawed it off?

A. Taped it up.

Q. At the time that you had that you had it bound and taped, is that correct?

A. That's right.

Mr. Austin: Q. Did you hit anybody with that?

A. I believe I hit the officer with it.

Q. Did you hit anybody else with it?

A. No.

Q. By the officer you mean the guard?

A. Yes.

Q. I am showing you a blue hood with two eye holes in it. Did you ever see that before?

A. Yes, sir.

Q. Does that resemble the one you wore that day?

A. Yes, it do.

Q. And who else wore any hoods besides you?

A. Eugene and Hudson.

Q. You mean Eugene Taylor and Hudson Tillman?

A. That's right.

Q. And who made these?

A. Eugene and I.

Eugene Taylor: I sewed it up.

Q. Taylor, you say sewed them up?

A. Yes.

1322 Q. Where did you get this cloth, Taylor?

Paul Crump: I bought the cloth.

Q. Where did you buy the cloth?

A. On 43rd Street some place, one of them stores, I don't know exactly what store.

Q. Where did you get the thread, Taylor?

Eugene Taylor: A. I had some in the sewing kit, I had a little kit, sewing kit.

Q. Is that spool of thread still in that sewing kit at home?

A. No, it was just on a little twine, you know, it wasn't on a spool, it was on a twine.

Q. Is there any more of that?

A. There may be, I am not sure.

Q. If it is at your house, where is it?

A. It would be in that dresser drawer, I have it in my bedroom.

Q. The dresser drawer in your bedroom?

A. Yes.

Q. And if we take you out there will you show us where that is?

A. Yes.

Q. And when did you put these hoods on?

A. After we got into the cooler.

Q. How many hoods did you make, Taylor?

A. I made three.

1323 Q. And where did you get the rubber gloves?

A. I bought mine at a store.

Q. Where is the store located?

A. Walgreen's downtown, one of the stores, I think it is Wabash.

Q. How many other rubber gloves were in the group that morning?

A. I think everybody had a pair, I am not sure, I had a pair, I know.

Q. Did you have a pair on?

Paul Crump: Yes, I did.

Q. And did Hudson Tillman have a pair on?

A. Yes.

Eugene Taylor: A. I don't know, he may have.

Paul Crump: Yes, he did.

Eugene Taylor: A. He should have had.

Q. Where did you get your gloves?

Paul Crump: I think I bought them at the drug store on 43rd Street.

Q. Did you buy more than one pair?

A. No.

Q. And did Tillman buy his own gloves?

A. I imagine he did, he was told to.

Q. When was he told to buy gloves?

A. The time that I approached him.

Q. How long was that before the robbery.

A. Oh, a week or so.

1324 Q. Did you hear any shots fired in there during the course of this holdup?

A. I heard one shot fired.

Q. And do you know who fired that shot?

A. I believe Eugene fired it.

Q. Did you see Hudson Tillman with the sawed-off shotgun?

A. I don't know if he had the sawed-off shotgun, although if he had it it was under his coat.

Q. How was Hudson Tillman dressed at that time?

A. I think he had on a blue—

Eugene Taylor: A. He had a blue jacket, I know he had a blue jacket on, what pants I don't know.

Paul Crump: I don't know how he was dressed.

Q. How were you dressed, Taylor?

Eugene Taylor: I had a blue pair of pants, these black shoes and I had sort of a hunter's jacket, light brown hunter's jacket with a gray hat.

Was this sort of a checked jacket?

A. Yes.

Q. Plaid. What did you do with the jacket?

A. Burned it up.

Q. Where?

A. My house.

Q. And where in the lake did you throw this gun?

A. 51st Street.

Q. 51st and what? The lake?

1325 A. Over to the lake, went over to the lake and threw it out in the water.

Q. Is there a bridge there or what?

A. No, I walked just across that big outer drive, all the way over to the lake and threw it out.

Q. How far out did it go?

A. I threw it as far as I could possibly throw it.

Q. Were you standing on some of those rocks that are on the shore there when you threw it?

A. Yes, I was all the way out to the lake.

Q. Now, you have told us how you got away from there before we went up to court, didn't you?

A. That's right.

Q. Will you tell us how you got away?

Paul Crump: I ran out of the place.

Q. When did you run in respect to when this shot was fired?

A. That is when I ran.

Q. When you got out there did you see the red colored car?

A. I didn't go the front.

Q. You went out a different door?

A. Yes.

Q. So you ran out a different door than the one you came in?

A. I ran out the same door I came in.

Q. And when you went in there, did you see where
1326 the car was parked?

A. No, I didn't, but I knew where it was supposed to have been parked.

Q. Didn't you drive up there in the car?

A. Yes, he let us out on the corner.

Q. And then he drove away?

A. He drove over to the parking lot.

Q. He was supposed to be back at five minutes after eleven, is that correct?

A. That's right.

Q. When you got out there, the car was not there?

A. I didn't go to the car.

Q. Did you see the car there?

A. No.

Q. Did you see the car there?

A. No.

Q. Did you see what Hudson Tillman did?

A. No.

Q. Was he ahead of you or behind you?

A. He was behind me, I imagine.

Q. Where was Taylor? Was he behind you too?

Eugene Taylor: When we got outside. No, I was by myself.

Paul Crump: A. He went out the front and I went through the back.

Q. You went out different doors, is that it, Crump?

A. That's right.

Q. And how did you get away from Libby, McNeill & Libby?

1327 A. I ran out and walked and then I caught a streetcar.

Q. What did you do with your hood?

A. I discarded it.

Q. Where?

A. Around the plant somewhere.

Q. What did you do with your gloves?

A. I discarded them, too.

Q. As soon as you got out the door?

A. I don't know how soon it was.

Q. Where was the gun that you had?

A. I threw it in the lake also.

Q. Were you with Taylor at that time?

A. No.

Q. Where did you throw it in the lake?

A. Between 47th and 43rd, walking along the lake, to get a chance to throw it in.

Q. When did you throw it in the lake?

A. Oh, about three o'clock that evening.

Q. When was it you threw yours in the lake, Taylor?

Eugene Taylor: A. It couldn't have been any later than, I would say 11:30 or a quarter to 12, it had to be somewhere in that time.

Q. That noon?

A. Yes.

Q. How did you get to the lake?

A. Well, after I got rid of the truck I ran over to Michigan and caught a taxi and he took me all the
1328 way to the lake front, see, on 51st Street, and I let him go and I waited until he got out of sight and I went over to the lake and threw the gun away. I came back home with this jacket I had on and I got rid of my jacket.

Q. And where did you burn your jacket?

A. Downstairs in the back of my house.

Q. You mean in a bonfire in the yard?

A. No, I had a—I saw a little wire, like a basket and I put some lighter fluid, I poured it over the jacket and I set fire and burned it up.

Q. Did this jacket have a zipper or buttons?

A. It had a zipper on it, a zipper all the way up to the collar.

Q. Did you ever disturb that zipper in the basket?

A. Yes, I took it and put it back in the garbage can right outside of my back door and I guess they dumped it out with the rest.

Q. You waited until the coat burned and then you took the zipper out?

A. I took the zipper and the ashes from the jacket and put them in the garbage can and I guess the garbage man dumped it out.

1329 Q. Crump, you have heard everything that Taylor has said here, is all that he said the truth?

Paul Crump: As far as I know it is.

Q. And he hasn't said anything that you know is not true, is that right?

A. No.

Q. And Taylor, all that you have heard Crump say during the time you were in the room and we were out of the room for about ten minutes going up to Court, all that you heard him say, is that true?

Eugene Taylor: A. All of that is true.

Q. After this is written up you have a chance to read it and if it contains all you said here, will you sign it?

A. Yes, I'll sign it.

Q. And will you, Crump?

Paul Crump: Sure.

Q. Did either of you men know the owner of the Oldsmobile?

A. I know him.

Q. Did you have anything to do with the making of the arrangements for the Oldsmobile?

A. No, I didn't.

Q. Did you know that that Oldsmobile was going
1330 to be used before it showed up that morning?

A. No, I didn't.

Q. How long have you known Williams?

Q. Quite some time.

Q. Do you know whether any money was promised Williams for letting you use the Oldsmobile?

A. No, I don't.

Q. You don't know, Tillman took care of that?

A. I imagine he did. We were supposed to use his car.

Q. There were only four of you involved in this holdup?

A. That's right.

Q. Where was your brother Dave that day?

A. My brother?

Q. No, your brother Dave.

Eugene Taylor: A. Dave was home sick. Whether he was home I don't know but he was supposed to be sick that day. I had found out that about two days before the robbery.

Mr. Austin: Have you any other questions, Chief?

Chief O'Malley: No, I think that is about all.

Mr. Austin: Captain Reynolds?

Captain Reynolds: No.

1331 Mr. Austin: Lt. Olson?

Lt. Olson: Q. When you four men started over toward the Stockyards on this robbery ,where did you leave from?

Eugene Taylor: A. 43rd under the L Station between Prairie and Calumet.

Q. On 43rd under the L, at the L Station?

A. That's right.

Q. You four men made arrangements to meet there?

A. That's right.

Q. You did not leave from 43rd and Lake Park, did you?

A. No.

Mr. Austin: That is all.

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Witnesses:

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1332 At this time there was offered in evidence People's exhibit 4 for identification, purporting to be a star belonging to Mr. Theodore Zukowski, which said star he was wearing at the time of the killing in this case.

Mr. Lee: I adhere to my former objection to the star for the same reason.

The Court: Objection overruled and People's exhibit 4 for identification may be received in evidence as People's exhibit 4.

(Which said star, heretofore marked People's exhibit 4 for identification, was received in evidence.)

1333 There was offered in evidence People's exhibit 5 for identification, purporting to be a police-type cap with a gold badge on the front of it and printing on the badge in gold metal, the word Captain and a blue ribbon; the cap purportedly belonging to the deceased in this case, Theodore Zukowski, which he was wearing on the date of his death on March 20, 1953.

Mr. Lee: I object to the exhibit for the reasons

heretofore given and also to the speech to the jury made in introducing it.

The Court: But your objection will be noted. The
1334 objection of defense counsel to People's exhibit 5 for identification, to it's admission in evidence is overruled and People's exhibit 5 for identification is admitted as People's exhibit 5.

(Which said item, heretofore marked People's exhibit 5 for identification, was received in evidence.)

1335 There was offered in evidence People's exhibit 6 for identification, purporting to be a .38 Spanish Alamo revolver which had been previously identified in this record as the gun that was brought to the home of Lorraine Yarbro by Eugene Taylor.

Mr. Lee: Objection.

The Court: The objection of the defense counsel to the production of People's exhibit 6 for identification into evidence is overruled and People's exhibit 6 for identification is admitted as the People's exhibit 6.

(Which said item, heretofor emarked People's exhibit 6 for identification, was received in evidence as People's exhibit 6).

1336 There was offered in evidence People's exhibit 7, purporting to be a dark blue hood containing two eye clips and which has been identified as a type that was worn in this robbery and recovered on the scene.

Mr. Lee: Objection.

The Court: Defense objection is overruled and it is received in evidence as People's exhibit 7.

1337 (Which said item, heretofore marked People's exhibit 7, was received in evidence.)

1338 There was offered into evidence People's exhibit 8, purporting to be a .32 caliber revlover which had been identified as being similar to the gun held in the hand of one of the masked robbers and also as the gun which was taken from the lake by the diver, Mr. Bodor.

Mr. Lee: Objecting, Judge.

The Court: The objection is overruled and it may be received in evidence as People's exhibit 8.

(Which said gun, heretofore marked People's exhibit 8 for identificaion, was received in evidence.)

1339 There was offered in evidence People's exhibit 9 which had been offered previously, purporting to be the hat on the head of one of the robbers and recovered on the scene.

Mr. Lee: Object.

The Court: Objection of the defendant is overruled and it may be received as exhibit 9.

(Which said hat, heretofore marked People's exhibit 9 for identification was received in evidence.)

1340 (People's exhibit 10 already admitted.)

There was offered in evidence People's exhibit 11, purporting to be a metal box, testified to as being the same box held by Mr. Carlson.

Mr. Lee: Objection.

The Court: Objection overruled. It may be received in evidence as People's exhibit 11.

(Which said metal box, heretofore marked People's exhibit 11, was received in evidence.)

1341 There was offered in evidence People's exhibit 12 and 12-A, purporting to be the sawed-off portion of the barrel of a shotgun, in addition to some black tape in which the said barrel was wrapped, and these two

exhibits having been identified as looking like the barrel that was held in the hands of one of the robbers in this case, and which was later found at the scene of the robbery.

Mr. Lee: Object.

The Court: Objection overruled and the exhibit may be received as People's exhibit 12 and 12-A.

(Which said items, heretofore marked People's exhibit 12 and 12-A were received in evidence.)

1342 Mr. McGovern: I am offering at this time the People's exhibit, group exhibit 16, previously received in evidence as People's exhibit 16 and the torn portion of a glove being People's exhibit 16-A, the said exhibits being rubber gloves which are red in color and 1343 have been testified to as being the type of gloves worn on the hands of this defendant Paul Crump at the time he was seen on the scene of this robbery, it being a glove recovered by an officer, being picked up by an officer at the place where he dropped it at Swift & Company. I ask that they be received in evidence as People's exhibit 16 and 16-A.

Mr. Lee: Objection.

The Court: Objection overruled. They may be received as People's exhibit 16 and 16-A.

(Which said items, heretofore marked People's exhibit 16 and 16-A, were received in evidence.)

1344 There was offered in evidence People's exhibit 18, purporting to be an overnight case belonging to Mrs. Little, formerly Lorraine Yarbro, which contained an amount of money and a gun, being People's exhibit 6.

Mr. Lee: Object.

The Court: Objection overruled. It may be received in evidence as People's exhibit 18.

(Which was received in evidence as People's exhibit 18.)

1345 There was offered in evidence People's exhibit 19 for identification, purporting to be a cardboard box which was testified to as containing People's exhibit 18 which had been recovered at the home of Lorraine Yarbro, now Mrs. Little.

Mr. Lee: Objection.

The Court: Objection overruled and it may be received in evidence as People's exhibit 19.

(Which said cardboard box heretofore marked People's exhibit 19 for identification, was received in evidence as People's exhibit 19.)

1346 There was offered in evidence People's group exhibit 21 for identification, consisting of a group of bullets and shotgun shells purportedly recovered at the home of Mrs. Little, formerly Lorraine Yarbro.

The Court: Defense objects?

Mr. Lee: Yes.

The Court: Objection overruled. The group exhibit is admitted as People's exhibit 21.

(Which said bullets, heretofore marked People's exhibit 21 for identification, were received in evidence.)

1347 Mr. McGovern: Now we will offer in evidence People's exhibits 22 and 23, the statements.

The Court: What is exhibit 20?

Mr. McGovern: Number 20 are the keys with the overnight case which was People's exhibit 18 for identification.

The Court: Are you asking they be admitted?

Mr. McGovern: We will withdraw these.

The Court: Number 20 is withdrawn.

There was offered in evidence People's exhibit 24, purporting to be three—24-A being a .38 caliber bullet, 24-A being identified merely as a fragment of lead and People's exhibit 24-C being a crescent shaped particle

or fragment of a bullet.

Mr. Lee: Objection, Judge.

1348 The Court: Objection overruled and People's exhibit 24-A, B and C are received in evidence.

(Which said items heretofore marked People's exhibits 24-A, B and C, respectively, were received in evidence.)

1349 There was offered in evidence People's group exhibit 25, purported to be Western special cartridge cases of .38 caliber, being discharged cartridge cases and which particular cartridge cases were recovered by Officer Ellerbeck at or about the vicinity of the lake and 43rd Street.

Mr. Lee: Object.

The Court: Objection overruled. They may be received as People's group exhibit 25.

(Which said cartridge cases, heretofore marked People's exhibit 25 for identification, were received in evidence.)

1350 There was offered in evidence People's exhibit 26, purporting to be a .32 caliber discharged cartridge case which had been identified as being recovered by Officer Ellerbeck at the vicinity of 43rd and the lake.

Mr. Lee: Object.

The Court: Objection of the defense is overruled and it may be received in evidence as People's exhibit 26.

(Which said cartridge case, heretofore marked People's exhibit 26 for identification, was received into evidence as People's exhibit 26.)

1351 There was offered in evidence People's exhibit 28, being a bullet which was testified to as coming from the brain of the deceased in this case, being the base portion of a .38 caliber bullet.

Mr. Lee: Object.

The Court: Objection of the defendant is overruled and it may be received as People's exhibit 28.

(Which said exhibit heretofore marked People's exhibit 28 for identification, was received in evidence as People's exhibit 28.)

1352 There was offered in evidence People's exhibit 30, purporting to be the trigger mechanism of a shotgun which was recovered in the Jackson Park lagoon by Officer Price on March 30th.

Mr. Lee: Object.

The Court: Objection overruled and it may be received as People's exhibit 30.

(Which said item heretofore marked as People's exhibit 30 for identification, was received in evidence as People's exhibit 30.)

1353 There was offered in evidence People's exhibit 31, purporting to be two .32 cartridge cases that were testified to as having been used by Mr. Sojat when he conducted the test shots of People's exhibit 8.

Mr. Lee: Object.

The Court: The objection of defense is overruled. They may be received as People's group exhibit 31.

(Which said cartridge cases, heretofore marked People's group exhibit 31, were received in evidence as People's group exhibit 31.)

1354 There was offered as evidence People's exhibit 32 for identification, purporting to be the two discharged cartridge cases which were the test shots fired in People's exhibit 6 by Mr. Sojat.

Mr. Lee: Object.

The Court: Objection overruled. They may be received as People's group exhibit 32.

(Which said cartridge cases, heretofore marked People's group exhibit 32, were received in evidence as People's exhibit 32.)

1355 There was offered in evidence People's exhibit 33, which is a .38 caliber bullet recovered from the garments of the deceased, Theodore P. Zukowski.

Mr. Lee: Object.

The Court: Objection overruled and People's exhibit 33 for identification may be received in evidence as People's exhibit 33.

(Which said .38 caliber bullet, heretofore marked People's exhibit 33, was received in evidence as People's exhibit 33.)

1356 (Whereupon the Court and counsel engaged in a discussion relative to the admission of People's exhibit 29.)

Mr. McGovern: You are speaking of People's exhibit 29, a picture of Mr. Zukowski?

Mr. Lee: That is right.

Mr. McGovern: With reference to that, inasmuch
1357 as I handled the showing of it, we have no objection to this Court seeing that exhibit. I don't think it would be fair for this defendant for the jury to see it, and that is why we haven't offered it. If the Court would like to see it, I think we should make it part of the record, but let the record show clearly that we objected to the jury seeing that.

The Court: Wait until the State closes its case.

Mr. Lee: The attitude of the adverse party here with respect to that which has just been expressed, I am making a motion to strike out all the testimony introduced pertaining to it.

The Court: I will rule on your motion when I rule on the other question.

Mr. Lee: Very well, Judge, thank you. Now there is the chart, Mr. McGovern.

The Court: Are you or are you not offering that?

Mr. Cooney: We will offer it, Judge.

Mr. McGovern: Yes, Judge. We will offer this chart which is People's exhibit 27 for identification and used by Dr. Webb in his discussion. That exhibit purports to be a side view of the human body and a front view of a human body on the one side and on the rear it
1358 purports to be a rear view of the human body, and which, both sides indicates the places where the bullets went.

Mr. Lee: Objection.

The Court: Overruled. It may be received as People's exhibit 27. You may show the exhibit. It has been received in evidence.

(Which said chart, heretofore marked People's exhibit 27 was received in evidence as People's exhibit 27.)

1359 (Whereupon counsel showed the exhibits admitted in evidence to the jury.)

(Whereupon a short recess was taken.)

The Court: All right. Bring out the jury. (The jury was returned into open court and the following proceedings were had in their hearing and in their presence.)

Mr. McGovern: May it please the Court, at this time I ask leave of Court to read People's exhibit 23 which is now in evidence to the ladies and gentlemen of the jury.

The Court: You may read it.

(Which said People's exhibit 23, received in evidence, was read to the jury and is in words and figures as follows, to-wit:)

1360 Re: People vs. Paul Crump et al.

STATEMENT
of
PAUL CRUMP

taken in the office of the State's Attorney, Criminal Court Building, Chicago, Cook County, Illinois, on Friday, March 27, 1953, at 10:30 o'clock P. M.

Present Mr. Richard Austin,
First Assistant State's Attorney.
Mr. Irwin Bloch,
Assistant State's Attorney.
Chief John T. O'Malley,
Chief of Detectives.
Lieutenant John Olson,
State's Attorney's Office.
Captain Frank Reynolds,
18th District.
Sergeant James McMahon,
Homicide, D. B.
David Taylor
Eugene Taylor
Harold Riggins
Reported by H. Erickson,
Book No. 5310

1361 Mr. Austin: Q. Will you tell us your name, Paul?
A. My name is Paul Crump.
Q. Is that spelled C-r-u-m-p?
A. That's right.
Q. Where do you live, Paul?
A. 1231 West 110th Street.
Q. And how old are you?
A. I am 22 years of age.
Q. And are you married?
A. Yes, I am.

Q. Do you have a family?

A. I have one child, a daughter.

Q. And are you working at the present time or were you before this happened?

A. I was working.

Q. Where were you working?

A. Material yard.

Q. And was that in Harvey?

A. Yes, it was.

Q. And how long did you work at that particular place, Paul?

A. Off and on for two years.

Q. What were you making a week, about?

A. About 54 a week.

Q. Was that after deductions or before? Was that your take home pay, $54 a week?

A. That's right.

Q. And how long have you known Dave Taylor here?

1362 A. I have known him for about eight months or so.

Q. And how long have you known Gene Taylor?

A. About six or seven.

Q. How long have you known Harold Riggins?

A. Practically all my life.

Q. How long have you know Hudson Tillman?

A. Same, all my life.

Q. Now, did you participate in a robbery on the 20th of March at the Libby, McNeill & Libby plant?

A. Yes, sir, I did.

Q. And how long had that robbery been planned?

A. Oh, about a month or so.

Q. And who was the first one you discussed it with among this group of five?

A. David.

Q. And you had worked at Libby, McNeill & Libby, hadn't you?

A. That's correct.

Q. Did you quit about last November?

A. What month was that?

David Taylor: It was around about the part of December.

Paul Crump. About the 1st of December, I don't know.

1363 David Taylor: He didn't quit.

Q. Were you fired?

Paul Crump: No, I got off on a medical, I was sick.

Q. You were sick and you took a medical?

A. And I didn't send in the medical report.

Q. You didn't send in the medical report while you were sick, is that right?

A. That's right.

Q. And while you worked there you had seen this paymaster on Fridays with his money, hadn't you?

A. That's correct.

Q. And you knew that Dave Taylor worked there and he knew about the paymaster also, didn't you?

A. That's right.

Q. And who was the next one you talked to about this robbery after Dave Taylor?

A. I believe Gene was, Eugene.

Q. Gene Taylor?

A. Yes.

Q. And when did Hudson Tillman get into this thing, how long?

A. Oh, about two weeks prior to the happening.

Q. And when did Harold Riggins get in?

A About the same.

1364 Q. Was there some discussion about getting some guns?

A. Yes, there was.

Q. And who was to get some guns?

A. Well, everyone was to try to get some.

Q. Was there any discussion about a car that was going to be used?

A. Yes, there was.

Q. Well, finally who came up with the guns?

A. Riggins and Tillman, came up with the guns.

Q. And what kind of guns did they come up with?

A. A .32, .38, two .38s.

Q. And what arrangements were made first about the automobile to be used as the getaway car?

A. It was supposed to be Hudson Tillman's car.

Q. That was a Buick?

A. That is correct.

Q. And what was done about the masks that were used?

A. We were to make the masks.

Q. And who finally did make the masks, Paul?

A. I made them.

Q. And who bought the cloth?

A. I bought it.

Q. And who did the sewing on the masks?

A. Eugene and I sewed it.

1365 Q. Who cut the eye holes in the masks?

A. Cut the eye holes over at David's house.

Q. That was the night before the robbery?

David Taylor: That's right, the night before the robbery, Thursday night.

Q. Who bought the rubber gloves, Paul?

Paul Crump: I bought mine and Eugene bought his, I bought two pairs, I believe.

Q. Where did you buy them? At Walgreen's?

A. Yes, drug store.

Q. And did you bring the masks over to the house?

A. Yes, I did.

Q. Did you bring your two pair of gloves over there?

A. Yes.

Q. And did you know that the guns were over there too?

A. Yes, I did.

Q. Were these all put in a shopping bag over at David's house?

A. That's correct.

Q. Three masks, three pair of rubber gloves, two .38s and a .32?

A. That's right.

Q Now, was there also a rifle involved too?

A. Yes.

1366 Q. Who got the rifle, Paul?

A. Riggins.

Q. Where did he get the rifle?

A. From some fellows house.

Q. What was done about sawing the barrel off the rifle?

A. We sawed it off.

Q. By we, who do you mean?

A. Myself and Dave.

Q. Dave Taylor?

David Taylor: No, that is not true, you and Riggins sawed it off.

Paul Crump: Yes, it was one of the two.

Q. Who was it, Harold or Dave?

A. I believe it was Harold.

Q. Where did you saw it off?

A. Up at Dave's house.

Q. And did you later get some tape and wrap it around the barrel of that rifle?

A. That's correct.

Q. And what were your plans to meet on the morning of the 20th?

A. We were to meet at Dave's house. From there to go over to the Yards.

Q. What time did you meet at Dave's house, Paul?

A. I got there about ten-thirty.

1367 Q. In the morning of the 20th?

A. Yes.

Q. Friday morning?

A. That's correct.

Q. And who was at Dave's house when you got there?

David Taylor: Out in front of the house.

Paul Crump: Yes.

Q. Out in front of the house, is that right, Paul?

A. That's right.

Q. Who was out in front of the house when you got there?

A. Eugene, David and Hudson.

Q. Eugene, David and Hudson Tillman?

A. That's correct.

Q. When did you see Riggins that morning?

A. He came by my house that morning.

Q. Was he the one that brought you down to Dave's house?

A. That's right.

Q. What car was he driving?

A. He was driving his car.

Q. What kind of car is it?

A. Buick, I don't know what model it is.

Q. What color is it?

A. Blue and beige.

Q. And when you got to Dave's house did you see a red Oldsmobile there?

A. That's correct.

1368 Q. And what car did you leave Dave's house in?

A. We left the house in the Oldsmobile.

Q. Was there any arrangement made to have the other car driven some place else?

A. Yes, I believe there was.

Q. And who was to drive the other car?

A. Hudson Tillman.

Q. And was he to meet you fellows at 50th and Ashland?

A. I believe that is what it was, I believe that is what we decided, I mean, I don't know what we actually decided because he followed us all the way to the Yards, I don't know whether he was supposed to meet us outside or what. I know he came on along with us.

Q. Now, when you got to Libby, McNeill & Libby, the three of you got out of the car?

A. That's correct.

Q. Who were the three?

A. Eugene, David and myself.

Q. And what kind of weapon did you have, Paul?

A. I had a .32 revolver.

Q. And who had the shotgun?

A. David.

Q. And what kind of guns did Eugene have?

1369 A. He had a .38 revolver.

Q. How were you dressed that morning Paul?

A. I had on a blue topcoat, blue gray hat and blue pair of pants and blue suede shoes.

Q. Where did you go after you went into the place?

A. We went up to the fourth floor, I believe it is.

Q. Dave says the cooler is on the fifth floor, is that where you went?

A. Yes.

Q. I mean that is where you went, to the cooler?

A. That's right.

Q. Who were the first people you met in the cooler?

A. A lady and a man.

Q. And what did any of you do with the lady and the man?

A. Put them up on the side of the wall.

Q. Who held them at the side of the wall?

A. Eugene.

Q. And he had his gun out, did he?

A. Yes, he did.

Q. And then what was—who were the next people you met, Paul?

A. The man coming through with the pay roll, the payroll men.

Q. Where was he with regard to the cooler?

1370 A. He was outside in the little vestibule there.

Q. Out by the stairway?

A. Yes, sir.

Q. And did you and Dave go out to the vestibule then?

A. Yes, we did.

Q. Did Gene come out, too?

A. No, he didn't come out at the time.

Q. What did you do when you went out there where the man with the payroll was?

A. I accosted the guard and took a revolver from him.

Q. Was that a little snub nosed gun?

A. That's right.

Q. Did you hit the guard with that barrel?

A. Yes, I did.

Q. On the head?

A. I swung at him, I don't know whether I hit him on the head or not.

Q. Did you take the gun out of his holster or did he have it in his hand?

A. He handed it to me.

Q. Then what was done with the fellow with the bag and the fellow with the tin box?

A. I don't exactly know what was done with them but I believe they were taken back into the cooler.

Q. Then who was taken back in the cooler?

1371 A. The two men.

Q. Did you see anybody grab the bag?

A. No, I didn't.

Q. Did you see anybody grab the tin box?

A. No, I didn't.

Q. You think one of them, one of the two boys took the payroll men back in the cooler?

A. I know they were in the cooler. I brought the police into the cooler.

Q. You mean the guard?

A. Yes, the guard, I brought him into the cooler.

Q. Did you know this guard Ted, this Chief of Police, Ted there?

A. Not at the time.

Q. Did you know who he was? Had you ever seen him there when you worked there?

A. Yes.

Q. Did you know that his name was Ted?

A. No, I didn't.

Q. But you knew that he was head of the guards there, did you know that?

A. No, I didn't know he was the head, but I knew he was some sort of, you know, he wasn't in the same rank as the rest of the officers.

1372 Q. He was higher up than the rest of the officers there?

A. Yes.

Q. Where did you first see Ted, Paul?

A. As I came out the door of the cooler.

Q. Was that after you got the payroll people into the cooler?

A. That's right.

Q. And where did you see Ted when you came out of the cooler? Right in the vestibule?

A. No, he was on the steps as I was coming out of the cooler.

Q. Now, will you tell us what happened in your own words when you saw Ted?

A. Well—

Q. Will you keep your voice up, please.

A. When I came out of the cooler he grabbed me, as I come out of the cooler.

Q. Did he have his gun in his hand?

A. I didn't notice. He grabbed me and then I turned my ankle like and fell back.

Q. I couldn't hear you.

A. I turned, you know, my foot got caught on the step and I fell back and that is when it seemed like he was reaching for his revolver and I got up again and he grabbed me again and struggled and that is when the shots was fired.

1373 Q. Well, now did you have two guns in your hand at that time?

A. Yes, I did.

Q. One was a .32 and one was a .38 that you taken from the guard, is that right?

A. That's right.

Q. Which gun did you shoot first?

A. I actually don't know.

Q. Did you shoot each gun?

A. I don't know that either because afterwards I didn't even examine the guns.

Q. Do you know how many shots you fired?

A. No, I don't.

Q. Was it more than one?

A. I believe it was, I am quite sure it was.

Q. But you don't know from what gun it came?

A. No, I don't.

Q. And after the shots were fired did Ted fall down?

A. I didn't even notice that. I mean he slackened his grip on me and I ran, I didn't even look back, I ran.

Q. Where did you run to?

A. I ran down the steps and through the back way through the way we came in.

Q. Did you go out the same door you came in?

1374 A. Yes, sir.

Q. When you got out there did you see either car there, the tomato colored red car or the other car?

A. I didn't come out that way.

Q. You went out of the door?

A. I went out the back way.

Q. Was that a different way than the way you came in?

A. No, it was the same way I come in.

Q. What?

A. It was the same way I come in.

Q. But when you went out—

A. At least I believe it was, I believe it was the same way, when I come in before I noticed that there wasn't—there was a box car back there when I went

out and when I come in it wasn't there.

Q. Now, when you got there you saw none of your cars were there, is that right?

A. I didn't look for the car, I knew I went out the wrong door.

Q. You arranged to come out a different door than the one you went in before you started this hold-up, was that the idea?

A. That's right.

Q. And the door you came out was the one you came in but not the door you were supposed to go out
1375 of, is that right?

A. Yes, sir.

Q How did you get away from the place, Paul?

A. Well, I ran, I walked most of the way, I walked hurriedly.

Q. Where did you go to?

A. I went through the yard, something like a freight yard, you know.

Q. And did you ever get a cab or car or elevated?

A. No, I caught a street car at about 37th Street.

Q. Did you have enough money to get on a street car?

A. No, I didn't.

Q. How did you get money to get on a street car?

A. I asked a couple of pedestrians for it.

Q. Did you get a dime from each of them?

A. That's right.

Q. And that is now you got 20 cents to get on the street car?

A. That's right.

Q. And where did you ride to, Paul?

A. I rode to 43rd and Lake Park.

Q. And you were on your way to Dave's house, were you?

A. Yes, I was.

Q. What did you do with your mask?

1376 A. I discarded it while walking through the building, I believe.

Q. Did you throw your gloves away, too?

A. Yes, I did.

Q. What happened to your gray hat?

A. I threw it away.

Q. Was that thrown away right near Libby, McNeill and Libby?

A. I believe it was.

Q. Now, yesterday afternoon you had a—we had a gray hat and you looked at it and put it on your head and you said that was your hat. Was that your hat?

A. Yes, it was.

Q. Now, after you got to David's house, what did you do with these guns?

A. I dropped them on the floor.

Q. Was David's brother George there?

A. Yes, I believe he was.

Q. And David and Gene weren't there when you arrived, is that right?

A. No, David was there, he was next door or some place, he came in in a few minutes, he came in in about

1377 a minute or so after.

David Taylor: No, let's make a correction, neither Gene or I were there, Gene came over and then I came and then we came in the kitchen and started talking.

Q. And did you tell David what happened at the plant?

Paul Crump: A. Yes, I did.

Q. Do you want to tell us what you said to him? Will you keep your voice up?

A. He asked me did I have to do it.

Q. Did you know what he meant by that?

A. Yes, I knew

Q. What did you say to him?

A. I don't know, I cracked up then.

Q. What?

A. I don't know just what I said, I mean, he probably knows more than I do because I was—

Q. You were upset?

David Taylor: He was about hysterical then.

Q. You were nervous, were you?

Paul Crump: I don't know what words I said, I mean, I don't know what I was saying, I know I was—I don't know exactly the words I was saying but
1378 I tried to show him that, you know, that I didn't actually intend to commit any murder.

Q. That is, when you went there that day you didn't think you were going to have to murder anybody?

A. No, if I had any, I don't think—I know positively I wouldn't.

David Taylor: I told them that morning, something is going wrong, we shouldn't go.

Q. Now, Paul, did you discuss with David here the amount of money that he had?

Paul Crump: A. No, I don't believe I did, I just asked him did he get it.

Q. Did he tell you how much?

A. No, he didn't. In fact, I don't think I asked him. I said, did you get the money?

Q. Well, did you get any money from him?

A. No, I didn't.

Q. Well, did you get any money from him between the time you got to David's house and the time you were arrested? Did you get any money from David?

1379 A. Yes, I did.

Q. About how much?

A. About $200.

Q. And you bought some clothes with that, is that right?

A. I bought a hat and pair of shoes, that's all.

Q. Now, that blue suit that you have on now, whose blue suit is that?

A. David's

Q. David Taylor?

A. That's right.

Q. And when did you put that on?

A. That same day.

Q. Did you leave your clothes at David's house?

A. Yes, I did.

Q. And the reason you did that was you wanted to try to disguise yourself, is that right?

A. That's right.

Q. By the way, this guard, this Ted that you had to shoot, was he wearing a uniform at that time?

A. I know he had on a cap, I don't know about the uniform.

Q. Did he have a star or holster, anything like that?

A. He had a uniform cap on, that's the only thing

1380 I know.

Q. You knew he was an officer of the plant, didn't you?

A. Yes.

Q. When was it you got this money from David here?

A. That night, that evening.

Q. And you let him hold the balance of the money for you, did you?

A. Yes.

Q. Did he tell you what he had done with the money?

A. No, he didn't.

Q. Didn't he tell you that his mother-in-law took it down to Alabama with her?

A. No, he didn't.

Q. Didn't he tell you that?

A. Yes, yes, that's correct.

Q. Do you know his mother-in-law?

A. Yes, I know her.

Q. And so that is where your share of the money is, is that right?

A. I believe so.

Q. As far as you know, that is where it is, I mean, David told you that, is that right?

A. That's correct.

Q. Now, yesterday, you were mad at Hudson Tillman when you made a statement to me, weren't you?

1381 A. That's right.

Q. And you and Gene told me a story that Hudson Tillman was the third man that was in the building with you, is that right?

A. That's right.

Q. And that story isn't true, is it?

A. No, sir.

Q. The third man was David Taylor, is that right?

A. That's correct.

Q. And then you told me yesterday that you had walked along the lake front and threw these guns in the lake between 43rd and 47th Street, is that right?

A. That's correct.

Q. That isn't true either, is it?

A. That's correct.

Q. The truth is that you left the guns with David and David told you that later on he would throw them in the lake, isn't that right?

A. That's right.

Q. And you weren't with him when he threw them away?

A. No, I wasn't.

Q. Is there anything further that you want to say, Paul?

A. A lot of things I would like to say, that I want
1382 to say.

Q. Well, is there anything more you want to say about this robbery?

A. The only thing that I am sorry that it ended up with the death of someone, that's all.

Q. Is everything that you have told us here tonight the truth?

A. Yes, sir.

Q. And the story that you told us yesterday wasn't the truth, isn't that right?

A. That's correct.

Q. Now, David, what he told us, as far as you know, is that the truth?

David Taylor: Every bit of it.

Q. Eugene, have you anything to add or anything to say about this statement that you just heard?

Eugene Taylor: Yes. Paul, you say you told me about this robbery before this man here? Isn't that what you said in that statement?

Paul Crump: Yes, I believe it was.

Eugene Taylor: Would you like to change the statement you made about me, about Eugene Taylor knowing about the robbery before Hudson Tillman and Harold Riggins?

Paul Crump: Yes.

1383 Harold Riggins: You knew about it before I did because I was the last one.

Q. What statement do you want to make in place of that, Paul, about telling Gene before Hudson Tillman? Who did you tell first?

Paul Crump: A. Well, I mean at the time when you asked me the question it was my belief I told Gene but you knew, since he brought it to my mind, it was Mr. Hudson. I told Hudson.

Q. Before you told Gene?

A. That's right.

Q. Now, have you got anything else to correct?

Eugene Taylor: About the masks, Paul, who sewed the masks?

Paul Crump: I sewed the masks together.

Q. Eugene didn't sew them as you said before?

A. No.

Q. Everything else he said, Gene, is that the truth?

Eugene Taylor: A. That's right.

Q. And Riggins, have you got any corrections that you want to make?

Harold Riggins: No.

Q. Is everything that he said that you know about

1384 the truth?

A. Yes.

Q. I would like to make it so that you all agree you are telling the truth and there aren't any differences. Now, the story that he has just told is the truth, is that right?

A. Yes, as far as I know.

Mr. Austin: That is all.

(Sgd) Paul Crump

(Sgd) David Taylor, Jr.

(Sgd) Eugene A. Taylor
(Sgd) Hudson Tillman
Truth as far as I know

Witnesses:
(Sgd) Mrs. L. Robert Mellin
(Sgd) Graydon Megan
(Sgd) Jeremiah Buckley
(Sgd) Wm. A. Brams

1385 (Whereupon a continuance was had until Monday, December 12th, 1955, at the hour of 10:00 a.m.)

1386 Before Judge Holmgren and a Jury

Monday, December 12, 1955, 10:00 a.m.

Present: Mr. McGovern, Mr. Cooney and Mr. Lee.

(The following proceedings were had outside the presence of the jury in the courtroom.)

Mr. Lee inquired of the status of one or two motions that were not finally and ultimately disposed of on the hearing on Saturday, December 10, 1955.

1387 Mr. Lee: I was talking, if your Honor please, about a motion we made about the failure of the State who failed to identify the body through the Coroner. Also a motion referring to the admission of exhibit—the
1388 bullet the Coroner took out of the body. Of course, I objected to that as evidence, and that particular one was not properly identified. I refer to the last-minuate introduction of evidence pertaining to the bullet a Police Officer found on the clothing of the deceased.

1389-1390 (Whereupon Mr. McGovern requested that the exhibit be made part of the record and that the picture be in evidence in the case, but would not ask leave to show it to the jury.)

1391-1394 (The discussion relative to said exhibit continued.)

1395 Mr. Cooney: I think this Court should describe the manner in which it was handled. We ask the Court to describe for the record the manner in which that exhibit was handled by both witnesses and the State.

The Court: At no time during the course of this proceeding, from the time the People's exhibit 29 for identification appeared in the courtroom and was called to the attention of this Court, at no time was the document ever—it was shown to two witnesses. It was shown in such a manner that the jury could not have seen the photograph or seen what the photograph depicted. And up to this time the jury have not viewed People's exhibit 29 for identification.

1396 The Court: What is your motion now with reference to People's exhibit 29 for identification?

Mr. Cooney: Mr. McGovern and I have discussed it, Judge. He went out to get a book. (Discussion off the record.)

The Court: The Court ruled it offered in evidence, it will be received, over objection of the defendant, of course, but if it is offered and received in evidence, it will have to be shown to the jury. That is the Court's ruling on that. (Discussion off the record.)

1398 Mr. McGovern: Judge, at this time we are offering the People's exhibit 29 marked for identification, and we ask it to be received in evidence as People's exhibit 29 in evidence.

1399 The Court: And it is objected to by the defense?

Mr. Lee: Yes, Judge.

The Court: People's exhibit 29 for identification is received in evidence as People's exhibit 29. The

objection of the defendant to the introduction to said exhibit being overruled, and an exception being taken thereto by the defendant.

(Whereupon said document was received in evidence, marked People's exhibit 29, and was and is in words and figures as follows, to wit:)

1401 Mr. Lee: No, the defense at this time, in view of the arguments going on, suggests to the State's Attorney that he make a motion for a mistrial and confess that an error has been made.

The Court: Overruled.

Mr. McGovern: We make no such motion. We feel the law cited in People versus Jenko is clear. Defense counsel brought up the issue. The State at no time attempted to introduce in evidence any type of inflammatory exhibit. We have made no attempt to offer the clothing of the deceased, or any other matter here, which would at all be any type of inflammatory exhibit.

The Court: As I understood it, the purpose of the State in introducing this exhibit was, first of all, to prove the corpus delicti.

Mr. McGovern: That is correct, Judge.

The Court: First of all, the People's exhibit 29 was shown to the Coroner's physician, who performed a postmortem examination of the body, and who testified as to certain wounds and the condition of the body at the time he made that examination. He fur-

1402 ther testified that the body had been identified to him by a nurse. As I recall it, there was no name of the nurse given.

Then he was shown this exhibit and asked if that was the picture, a true and correct representation of the body that he posted. His testimony was to the effect it was.

Then a man by the name of Theodore F. Rusch was placed on the stand and he testified he had known the deceased for a period of ten years, and he identified this particular exhibit, People's exhibit 29, as a true and correct picture of the deceased, and that it correctly portrayed the deceased as he saw the body of the deceased on the 20th day of March, 1953, and that he is the same man that was the chief of the plant of Libby, McNeill and Libby, chief of the plant guards at Libby, McNeill and Libby on the 20th day of March, 1953, and that is all.

Based on that the Court has admitted exhibit 29 for identification as People's exhibit 29, over the objection of counsel for the defense, the objection of counsel for the defense having been raised that the picture is
1403 inflammatory, and that its introduction might tend to inflame the jury.

The Court further states at this time, the picture having been received in evidence, the Court will permit it to be shown to the jury.

1404-1407 The discussion relative to the exhibit continued.

(Whereupon the following proceedings were had in the presence and hearing of the jury in the courtroom.)

The Court: Good morning, ladies and gentlemen.

Mr. Cooney: Good morning. May we at this time, then, comply with Your Honor's ruling, and allow the jury to see the photograph?

The Court: As I understand it, you are now, in the presence of the jury, offering People's exhibit 29 for identification as People's exhibit 29.

Mr. McGovern: Correct, Judge.

The Court: I understand further that the defense is objecting to the introduction of that exhibit. Am I right about that, Mr. Lee?

Mr. Lee: Yes, Judge.

The Court: Let the record show that the defense objection is overruled and that the People's exhibit 29 for identification is received in evidence, as People's
1408 exhibit 29, and it may now be shown to the jury.

Mr. Cooney: May the record further show, Judge, any writing on the back of this exhibit, other than the exhibit number for identification, is now being stricken off the exhibit by Mr. Cooney, and that he has completed the striking and obliterating.

The Court: May I first see it? You may show it to defense counsel, the back of it.

Mr. Cooney: All right, Judge. I want to make sure there is nothing here. I suggest that the Court also ask the jury not to look at the back of it. My marking out may not be perfect.

The Court: The Court will decide whether it is perfect or not.

Mr. Lee: The defense says all right.

The Court: May I see it?

Mr. Cooney: Will you pass that around.

(Exhibit passed among the jurors.)

Mr. Lee: Was anything else said, Judge? If there was, I didn't hear it.

The Court: Nothing else was said.

1409 Mr. Lee: Shouldn't there be something else said?

The Court: What about?

Mr. Lee: Well, the jury are examining the document; they are taking time out for that. I take it they will say something afterwards. I hope somebody will say something.

Mr. McGovern: If the Court please, the State rests.

(Whereupon the People rested their case in chief.)

Mr. Lee: If your Honor please, the defendant makes a motion.

The Court: Do you want to make the motion?

Mr. Lee: Yes.

(Whereupon the following porceedings were had in chambers, out of the presence and hearing of the Jury.)

The Court: Let the record show the motion being made outside the presence of the jury.

(Whereupon the following motion was tendered to the Court by Mr. Lee on behalf of the defendant, Paul Crump.)

1410 State of Illinois
County of Cook—

In the Criminal Court of Cook County

People)
vs.) 53-672
Paul Crump)

MOTION FOR DIRECTED VERDICT AT CLOSE OF STATE'S CASE.

The defendant, Paul Crump, now at the close of the evidence of the case, moves the Court to instruct the jury as follows: "We, the jury, find the defendant not guilty."

Respectfully submitted,

.....

Attorney for the defendant

Stephen Lee
188 West Randolph Street
Chicago, Illinois, RA 6-0710

Denied

1411 We, the jury, find the defendant not guilty.
Refused

1412 Mr. Lee: The defendant at this time makes a motion at the end of the evidence for the State that the Court instruct the jury to find the defendant not guilty.

I do not have a written motion or motion form of verdict, Judge. I don't know if I am required to.

The Court: The motion is overruled.

1412-1413 (Mr. Lee submitted six points in support of his motion.)

The Court: All right, the motion is denied.

But the Court denies said motion to instruct the jury, and refused to give said instruction to the jury; to which action of the Court in denying said motion and refusing to give said instruction to the jury, the defendant Paul Crump, by his counsel, then and there duly accepted.

(Whereupon the following proceedings were had in the Courtroom, in the presence and hearing of the jury.)

The Court: Gentlemen.

(Discussion between the Court and counsel out of the hearing of the jury, off the record, in the Courtroom.)

1414 Whereupon the defendant, to maintain the issues on his part, introduced the following evidence, to wit:

PAUL CRUMP, the defendant herein, called as a witness in his own behalf, having been first duly sworn, testified as follows:

Direct Examination by Mr. Lee.

My name is Paul Crump. Yes, I am the defendant in this case, 53-672. I have been living of late in the

Cook County Jail; for almost three years. Prior to
1415 that I was living with my parents at 1231 West 110th Street. It is about a five-flat building, two stories, I think. I think it is called an English basement making up the first floor.

My mother lives on the first floor. My sister and her family, they live in the two apartments upstairs. I was living in one of the basement apartments with my other sister.

1416 I was born in Chicago.

My mother's name is Mrs. Lonnie Crump. My father's name is Seeley Baron Crump. He lives in Indiana, Gary. It has been approximately forty years since he lived in Chicago.

Yes, I went to school in Chicago. I went to Schoop Elementary School. Yes, I finished the grade school.
1417 After that I went to Morgan Park High School and 111th and—it was right off Vincennes. I can't recall the exact street. I didn't go all the way through Morgan Park, but subsequent to that I went to another school.

When I was going to school I participated in wrestling and swimming. I was in the bugle corps they had there. I played a little basketball also. No, I did
1418 not get into any other band. I was in the Sons of the Lincoln Corps. That was American Legion Sons.

The first job I had was at a laundry. I had quite a few jobs during school time. I was fifteen when I started to work. I am twenty-five years old now. I started in 1945.

I was dock hand at a cartage company on 14th and Clinton, and I went from there, I went to Ingalls Steel Mills. I was a press operator, operated a press. I

quit that job and went to Chicago Bridge and Iron as a chipper. I was going from job to job, but was always getting a better job than the one I just quit.

1419 The best I can recall is, 1949 I was working at the Capania Brothers Cartage Company. I quit there in the middle of that year and went to Ingalls Steel Mills. That is 121st Street and Halsted. And I quit there in 1951, and I went to Chicago Bridge and Iron. That was approximately seven blocks from my house and, of course, a better job all the way around. I stayed there until August of 1952. Those dates are the best I can recall.

I worked at one time at Libby, McNeill and Libby right after I quit the job at Chicago Bridge and Iron. At Libby, McNeill and Libby the first job that I started off on was an assembly line—I think they call it horse line—trucking potatoes from the fourth floor to the

1420 sixth. That was in August, 1952.

I learned the rumor through the plant they were opening up another shift at night and they were asking fellows for, you know, well you know, workers, to go on this shift, and I seen a chance, an opportunity to advance my salary, and I approached the foreman at that time and I requested that he would allow me to change from that shift I was on to this new shift that was opening up. And after, he, upon that request I got a better job.

I worked, about two weeks. I worked there days, and that was eight to four, I believe. That was just for two weeks in August, 1952.

1421 Yes, I was changed in my work. Upon my request, I asked the foreman will he please see if he can get me on to the shift where I could advance myself. That was the three in the afternoon to eleven at night shift.

No work on Saturday or Sundays. I pursued that particular line of work until the time I was released from it; that was in November some time.

No, I wasn't known there as Paul Crump. I was known there under the name, Baron Fox. That is the name I obtained the job under.

In November of 1952, I was involved in an accident.
1422 It was an automobile. I say automobile accident, but in trust it was just we were, a fellow, friend of mine, and myself we were in his car and he had a flat tire on 55th, somewhere around on the other side of State. We got out of the car and jacked the car up, and it was one of those, you know, one of those, it was a funny jack. And we got the tire off of it, and everything, and in the process of changing the tire, I was standing by the jack and it slipped. When it slipped, the jack fell down on my foot.

I obtained medical aid in connection with that injury. The aid was obtained from a doctor by the name, I believe his first name was Richard. I know his last name was Renzino. I suffered multiple fractures of my big toe, and right down between the padding of all my toes. It was on my left foot.

1423 Yes, I suffered permanent ill effects from the injury. My toes were shortened now, and it left—it developed complications. It was hard to set. The bone was all smashed up and, of course, it had a long laceration. And he stitched it up, but it became infected. And when it did start to heal, well, the toes just drew up and I still now, it isn't so noticeable now because I have developed a certain crouch to prevent anyone from noticing it.

Mr. Lee: What you want to say, is, you did suffer—

Mr. McGovern: Objection, Judge, let him tell.

The Court: Sustained.

The Witness (continuing): Yes, I suffered impairment of movement of the leg as a result of the toe injury. I can't use my big toe, and when I walk I do, I did have a noticeable limp, but since being in here for these three years, I have developed a certain
1424 crouch, wherein it isn't so noticeable, now. I can keep it from being discerned.

No, I am not guilty of that charge in that GJ 257, Indictment 53-672, entitled People versus Paul Crump, one Eugene Taylor, one David Taylor, one Harold Riggins and one Hudson Tillman, alleging that on the 20th day of May, 1953, Paul Crump, Eugene Taylor, David Taylor, Harold Riggins and Hudson Tillman killed Theodore P. Zukowski with malice aforethought with a pistol and with two leaden bullets that were discharged from the pistol and killed Theodore P. Zukowski.

No, I did not shoot and kill Theodore Zukowski on or about March 20th, 1953.

On March 20th, 1953, I did not see Mr. Henriksen and Miss Zutko in the Libby, McNeill and Libby plant.
1425 I did not see Mr. Baker, Mr. Carlson or Mr. Rusch.

No, I did not see those three named persons, Baker, Carlson and Rusch, proceeding in single file within a building of the Libby, McNeill and Libby plant.

I was nowhere near the Stockyards on the date stated.

No, sir, I did not beat with an iron bar and strike Mrs. Zutko, Mr. Henriksen, Mr. Baker, Mr. Carlson and Mr. Rusch, certain employees of the Libby, McNeill and Libby Company on that day; all of that is lies.

1426 No, I did not wear a hood or mask on that day.

No, I did not rob Mr. Baker or Mr. Carlson of money. I never knew Mr. Rusch let alone take anything from him. No, I did not see Mr. Rusch on that day.

1427 (Whereupon the witness denied the following: that on March 20th, 1953, he was anywhere on the premises of the Libby, McNeill and Libby Company, as indicated by People's exhibit 1 on the back of the board; that on March 20th, 1953, he was anywhere on the premises of the Libby, McNeill and Libby Company as indicated by People's exhibit 2; that on
1428 that date he saw People's exhibit 4, a star; that he had seen that star prior to seeing it in the Courtroom of Judge Leonard on about June, 1953; that his answer was the same as to People's exhibit 5; that he had People's exhibit 6, a Spanish revolver, in his possession on March 20th, 1953; that he was in that building or anywhere around there; that he went through the Contamination Room on the third level of the building and saw a man by the name of Stanley Czub; that he
1429 walked in Exchange Street in the Stockyards; that on that date he wore the rubber gloves in evidence; that he dropped the said gloves; that he passed Mrs. Ballik, Mrs. Cvetko or Mrs. Morrissey on the street; that he walked to the elevator within the Stockyards; that he was in the Stockyards wearing a dark coat, dark pants and blue shoes; and, that he planned with the other defendants, a robbery of Libby, McNeill and Libby Company.)

1430 The Witness (continuing): I only knew those boys casually. No, I did not conspire with those named defendants in this indictment.

On Thursday morning, March 26th, 1953, I saw Mr. Richard Austin on the second floor of this building. I saw him at approximately 11:00 or 12:00 o'clock on that day.

Q. I show you another People's exhibit. Put that on.

The Court: What is that, for the purpose of the record? People's exhibit 9?

Mr. Lee: Indicating that the defendant is now put-
1431 ting on his head People's exhibit 9—heretofore styled as a blueish-gray hat—in evidence, and let the record further show before the jury, well, I won't draw conclusions there, Judge.

The Court: The record may show the defendant has the hat on his head at this time.

Mr. Lee: Does that hat fit you?

Mr. McGovern: Objection, calling for a conclusion.

The Court: Sustained.

Mr. Lee: The jury saw it.

The Court: I sustained the objection.

The Witness (continuing): I did not see this hood on March 20th, 1953. The only thing I know about the rest of those exhibits, is what they said in Court before and this time. That piece of pipe I saw that at
1432 the Police Station on March 20th, 1953, that night. I was at 48th Street Station. I believe it is called Stockyards Station. I saw the tape you have in your hand at that time. On that date I would say it was about 10:30 or 11:00 o'clock at night.

On March 20, 1953, I did not see People's exhibit 11, the tin box that contained money. I did not see the container in which it came until this Court, number 19. I first saw those exhibits on Mr. Austin's desk
1433 the night of March 28th, I believe. People's exhibit 18 was with those other two.

No, sir on March 20th, 1953, I did not have on my chin a hairy growth.

That's right, a moment ago I said I was in a Police

Station commonly known as Stockyards Police Sta-
1434 tion on the evening of March 20th, 1953. Yes, I was a prisoner of the Police Department of the City of Chicago.

On March 20, 1953, well, I was took to jail, I know that. I don't know you call it arrested or not. I was snatched off the street.

Yes, I spent some time in a Police Station in the confines of the jails of the City of Chicago Police Department subsequent to March 20th and the following days. I spent the night of March 20th, the 21st, the 22nd and up until about noon the 23rd, that Monday. On the 23rd of March, 1953, they came up to the cell and told me to go home.

Q. Did they say anything to you other than go home at that time?

A. Yes, I was taken to a—

Q. They said that you were in the clear, is that what they said to you?

1435 Mr. McGovern: I object, Judge.

The Court: Sustained, sustained.

The Witness (continuing): I was subsequently rearrested in the early morning of March 26th, 1953. At the time of my arrest I was at my mother's home. I was arrested about 4:00, 3:30 or 4:00 o'clock in the morning. I was in bed at the time.

I had been in bed since the night of the 23rd, since
1436 my release from the Police Station. That is, with the exception of the time that I went to the doctor. I had a temperature of 103 or 104, and I was very feverish, and delirious. The doctor told my wife that I had a temperature of 103. I believe the doctor's name is Rosen or Rosie. He is a regularly licensed doctor in the City of Chicago and maintains an office.

I saw him on Wednesday and he gave me a prescription. He gave me a penicillin, he gave me sulfa
1437 and sulfa drugs, and some more pills, and he advised my wife at that time to feed me only liquids, if I ate anything, hot liquids and for me to say in bed. I did just as he ordered me to.

My sister drove my wife and I to the physician's office. My sister's name is Maxine Crump. I was not able to get up and go by myself on that date. My wife tried to get the doctor to come to the house and attend to me, but we couldn't get anyone. No, I did not have any food on the road to my home after the examination by the physician. I didn't have any appetite at that time.

1438 On March 26th, Thursday, I was getting up for about the third time that night to change my nightclothes and my pajamas. I had been sweating profusely, perspiring. My wife had been changing me, putting on fresh pajamas, changing the sheets. About 4:30—I didn't know the time at that time, but later on I deducted that it was approximately that time—there was a, oh, a banging and a noise at the back of the house. There was a stampeding, and upstairs, and a banging on the doors up there. And then our front door in the apartment I was in, it had a glass window, partial, part glass. And I heard the shattering of glass. I later found that was the window that was broken, the one in the door.

I told my wife, I asked her, "What could that be?" and she says, "Wait, I will see." She went to the door, but she didn't get to the door because about that time three white fellows, gentlemen, pushed past
1439 her and she went up by the wall. They came into the room. I was standing by the bed with my pajama

bottoms; I had gotten into the bottom part of the fresh pair. I was standing there, and these men rushed and grabbed me and pushed me back on the bed. One of them, a short fellow grabbed me by the neck, pushed me over on the bed, put his knee in me, and put a pistol on me and said, "Well, we got you now, you so-and-so."

I was asking them at that time, what was wrong now, what was wrong, you know, what were they breaking in on me this time for, and he says, "Well, you best come in. We got you. You best come in. You are going to tell us the whole story. You are cooked this time. You won't get out from under."

So, actually, I was, I was frightened. I was sick, like I said. I was fatigued. The only thing I could think of was Lieutenant Pape, this man I had talked to down at 11th Street, who had informed me I was to come in at 12:00 o'clock that day, that Tuesday, and let him know where this Hudson Tillman was. I hadn't did that, because I was sick. I wasn't in a
1440 condition to see anyone. The only thing I thought he had carried out his threat. I hadn't called him up; he sent them for me. They snatched me out of bed. I made no effort to get clothes. One of them threw me a suit, which wasn't mine, it was my brother's suit, and told me to put it on. I put it on. They took a strap, a belt, a leather belt, they put my hands behind my back and was taking me out the door.

As they were taking me out the door I told my wife, "Get me a lawyer, please, because I actually can't go through this again." Because I knew what I would have to go through when I went back to 11th Street. I couldn't be strung up like I was before down at 11th Street I was abused, and the man's house that

I went to the night of the 20th, where they had arrested me, I was abused out on the street. The man's house
1441 was Hudson Tillman's.

All during the time I was in custody of the Police the previous week-end something happened while I was in the custody is why I said I couldn't go through something again.

No, I have no ability or training in manual training. I can draw if I wanted to.

Q. I show you defendant's exhibit 1 for identification and ask you if you drew that picture?

A. Yes, sir, I drew that.

Q. I show you defendant's exhibit 2 for identification and ask you if you drew that picture?

A. Yes, I drew that also.

Q. At whose request did you draw it?

A. At your request.

Q. When?

1442 A. That was in, oh, about six months ago, I would say.

Q. That was on about the first time I saw you, is that right?

A. Yes, sir.

Mr. McGovern: Judge, if this is a self-serving statement—

The Court: There is no offer made to introduce.

Mr. Lee: I am using some visual aids, Judge.

Mr. McGovern: Judge, I would like to see them first.

Mr. Lee: You used yours without calling me in advance.

The Court: Let me see—

Mr. Lee: I am putting up a picture of a man strung up by the arms, defendants' exhibit 1 for identifica-

tion, drawn by the defendant himself, while within the confines of the common jail of Cook County.

Mr. McGovern: May I see the other one?

Mr. Lee: You may. And I am going to use them as visual aids in support of our defense here.

Mr. Cooney: I object to any self-serving documents prepared at the trial. Let the Court see them.

Mr. Lee: What about yours? Are yours self-serving?

1443 The Court: No argument here.

Mr. Lee: Yes, sir.

The Court: Are you going to offer these in evidence?

Mr. Lee: After I put them up.

The Court: You won't do it.

Mr. Lee: I am offering them in evidence.

Mr. McGovern: We object as being self-serving pictures by this defendant. We have no right to draw any pictures of the state's witnesses in the position they were in they were at that time. We are making an objection on those grounds.

The Court: Objection sustained.

Mr. Lee: Judge, the analogy has nothing to do with it.

The Court: I have sustained the objection.

Mr. Lee: You mean you won't let me use either one of them?

The Court: I sustained the objection.

The Witness (continuing): On the previous week-
1444 end I was knocking at this fellow's door, this Hudson—

(Whereupon the Court and counsel engaged in a discussion as to whether the Witness would admit that he signed People's exhibit 22 and exhibit 23.)

1445 Mr. Lee: Are they going to deny me the right to facilitate the interrogative—

The Court: What do you mean?

Mr. Lee: These visual aids.

The Court: I have denied that.

Mr. Lee: Can I show them to the defendant again, then?

The Court: No.

The Witness (continuing): On Sunday, March 22nd, 1953, I was a prisoner in the Police Station of the City of Chicago Police Department at 1121 South State Street. I was released the following day by the police.

1446 That Sunday I was took from the Stockyards Station to 11th Street, 11th and State, and placed in a cell. And all during the course of that morning we were taken out of the cell and lined up under some lights, and made to turn, pronounce our names, and so forth.

I was in a line with—the line was varied, sometimes eighteen, nineteen, twenty men. Then we would be brought back, placed in the cells again. Pretty easy all of that morning. We made those show-ups, they called them. And then, after the "big show", they called the big shows up there, I was placed back in the cell.

And I would say the time was, maybe, 9:00 o'clock that night, I was called. I was in the cell then with, oh, seven or eight of the men. The turnkey, lockup keeper, he came and called my name, and he took me out of the cell, which was close to the front, and he takes me to the end cell going east. He put me in there. There was no one in there but me.

1447 And some, I say, about five minutes later I was called to the door. He opened the door again and called me out. I walked out of the cell and turned the corner. Over there, there was a man standing there with a pair of handcuffs, and he says, "Crump?" I says, "Yes." He says, "Turn around." I turned around. "Place your hands behind your back." I placed my hands behind my back. He put the handcuffs on and took me back into the cell.

Then I say, about five or ten minutes past that time, the lighting up there in that lockup room is very *dim* —but they turned dimmer, they dimmed lower than what they were. It just made shadows, like. And I heard a noise at the cell door and turned, and there was three men. And one of them, I don't know which, says, "Turn around. Turn around." I turned around and faced the back of the cell.

They came in and a blindfold or something was put over my eyes. At that time I had my suit coat on
1448 also. This rag was put on my eyes and I was led out of the cell, but they made me put my head down.

And I was walking about three, four, five paces, they say, "Turn around." I did turn around.

Then they say, "Walk this way, this way." That is the way it was. "Keep your head down. This way now. All right, wait in there. Turn around." They turned me around again. This went on for just a matter of a few minutes.

I could hear doors slamming. I would bump up against, it seems like a door jamb. Then I would stop. "Wait a minute." Then more voices joined the voices, with the original one talking too when I came out of the cell.

Then they took the cuffs off. It seems as if they taken them off and my coat was taken off, my suit coat was taken off. Then I felt a strap like, a strap like leather, and it ran from here up to here (indicating). They put it on each individual arm, and they tightened it, and would put it on the other arm and would tighten that.

Then I was told to put my head down again. I put my head down again, walked a few more steps, turned,
1449 walked and turned. Then I was lifted up. The voice told me, "All right, wait a minute." Then I was lifted bodily up. When I was let down, well, my feet couldn't touch the floor. Just the ball of my toe tip and all of my toes was touching the floor.

Then I hung that way. Then all of my hands, from my fingers on down, started getting numb; all across my back, all the way down my back, and I could feel perspiration rolling off of me. I didn't have no feelings. I tried to move my hands. I couldn't tell whether or not they were moving. I didn't have no feeling. All the circulation of my body was cut off when I hung that way. And it was, I just can't explain just the feeling that it gave, but I was—I couldn't see
1450 anything. I was—I had a blindfold. I don't know what type of light they had. I heard voices all the time. They were up there from the time they took me out of the cell. No, I could not distinguish and tell how many voices I heard, but I would say it is over four.

The voice said to me "You are going to talk this time, you so-and-so." And they were asking me most of all, "Where is that money? Where is that money, you so-and-so? Where is Hudson Tillman? Where is Hudson Tillman? Where is Hudson Tillman?"

I said, "I don't know where Hudson Tillman is. I was looking for him myself."

In my estimation I remained suspended over two or three hours, but I fainted a couple of times. I don't know how long I was there.

1451 Getting back to Thursday morning, March 26th, in my home, yes, the policemen said lots to me at that time, on the 26th?

On the 26th, like I say, when they come in and dragged me out of bed, all during this time each of them would scream something at me. "We got you this time. You are not going to get off as easy as you did the first time. Hudson Tillman come in and told everything so you are cooked." And all that time. And they were asking me where was the guns, where was the money. They tore up the house, in fact.

Yes, I went in an automobile, squad car. I wore handcuffs in the squad car.

1452 On Thursday morning, March 26th, 1953, we got out of the car. I was in the first car and it stopped in the parking lot, and we waited for the radio car. When all the other officers got out of the remaining car, then they tell me to step out. I stepped out of the car. They were all in a circle about the car door at the time I stepped out. They started punching me, and kicking me.

I came in this building and was taken to an office on the second floor, I believe. I do not know the room number.

When these officers drove me down here, they put me in this room. It was on a chair similar to the chair over there (indicating), exactly like that. That wood-

1453 en chair, just like that. They set me down in that chair. This officer that was sitting in the front seat,

and the big one, the large officer, that was sitting in the back seat by me, and there was a tall one, the big officer told me, "Get up in the chair." I looked at him. I don't know how he meant. He said, "Get up in the chair." He pushed me up. I heard handcuffs behind my back. They set me up in the chair, put my arms over the back of the chair, like that (indicating). I was sitting with my hands and feet in the chair, like this (indicating), but my arms was over the back. This officer got, stepped in the handcuffs with one foot, and he held me around the neck under the chin with his hands, and he stepped up in it like that, and he had all his weight on one foot. This other officer had his knee holding the chair down, with most of his knee on my foot. He just held me like that, didn't say a word, just held me like this. And this little, small officer, whatever his name is, had a telephone book. He smashed me with it. He was hitting me with the book, and the big man, 230 pounds, he was standing
1454 on the handcuffs. He stood there and he stood there. And I took as much of it as I could, then I just screamed, pushed the chair, kicked out with my feet and threw the chair over backward.

When I threw the chair over backward, he says, "What is the matter with this so-and-so? Is he crazy?" A man I had noticed when I came in was standing outside. He says, "What is all this?" "Well, this fool kicked over the chair, tried to break his so-and-so head." He says, "Well, we won't have none of that here. We won't have any of that here." He set the chair back right, handcuffed me to the bar.

Later on there was more of that brutality. Yes, the same kind I just described.

In the afternoon I saw Eugene Taylor, a co-defend-
1455 ant. I had quite a fever. There were marks and bruises left on me from the brutality of the forenoon.

Taylor and I had a conversation with Mr. Austin. Yes, I made statements. I made many statements during the course of time I was picked up on the 20th until the time I went to trial.

After they brought me into a room, and I was standing there, I was talking to Mr. Austin and then Eugene Taylor came in. This was on the 26th at about 12:00
1456 or 11:00. That was p.m. Mr. Austin was there, and Eugene Taylor was brought in there. Then a man said his name was Chief O'Malley, and Captain Reynolds, I know he was there. Captain Reynolds was the Police Captain I saw down at the Stockyards Station the first time I was arrested. I said—Eugene came in and Mr. Austin. I talked to Gene. I told him, "Man, look at the mess you gotten me into." Mr. Austin, Mr. Reynolds, Mr. O'Malley, I believe there was a couple more present.

1457 I told him by my taking him out to Tillman's house I had got involved in something over my head. I couldn't begin to start to understand what was going on. Every time I turn around I am being pushed, arrested, subjected to all kinds of inhuman treatment. They were trying to get me in this thing, and they did. I told him at the time, "Look at the mess you got me in. I don't know just what the score was. You should have told me." He says, "Well, they have got the money. You know Dave has got the money." He told me a polygraph test had exonerated David.

Mr. McGovern: Judge, if this goes further, if he wants to take one, he can take it now.

The Court: Sustained.

Mr. McGovern: I ask it be stricken. We have gone through this before.

The Court: What he told Taylor in the presence of the other men may stand; everything else is stricken.

Mr. McGovern: We make an offer, Judge,—well all right, withdraw it.

1458 The Witness (continuing): Taylor and I made a statement recorded by a court reporter. No, it was not the truth. I did that because, in the hope of preventing any men getting, beating me any more.

I believe earlier in the day there was a lineup. There were come ladies there, but I didn't, I wasn't given an opportunity to view those people. Yes, I saw Mr. Rusch the plant guard.

This Mr. O'Malley, I believe that is his name, he told us, he says, "I want each of you men to say,

1459 'Give me your gun. Give me that gun'." Words to that effect. Yes, I said it. We were also told to say, "I have transmission trouble." I believe that was afterwards. Yes, I said that.

No, I did not see Mr. Rusch identify my voice. I don't know if he identified it.

I was not asked to sign People's exhibit 22 on March 26th, 1953. They took us back to Stockyards Station and I spent the night there. I came back here the following day.

1460 Yes, I saw Mr. Austin the following day. I was asked to sign, I was presented with a transcript of the testimony of the statements I made on the previous day. I was asked to sign that statement. No, I did not sign the statement. Eugene Taylor was not in

my presence, I was by myself. That was the time that Mr. Austin and I got to talking about this money.

I had a conversation with Mr. Austin on Friday,
1461 March 27th, 1953. That was just before lunch, just before 12:00 o'clock, about five or ten minutes before 12:00. I had not had anything to eat from the time of my arrest. No, I did not eat anything. I can't recall any drink.

Mr. Austin asked me to, would I sign that statement. I told him, no I wouldn't sign it. And he asked me why, and I says, because it isn't so. I says, I did this under the belief that David Taylor was getting me out of here, that he was getting a release. And he said, he told me, "Well, Paul, listen. You seem to be a fairly intelligent young fellow. Now, I know that you know more about this than you are letting on." Then he went on to tell me about a reward of
1462 $5,000.00 that this company had posted for the conviction or arrest of the persons who committed the crime. The company was Libby, McNeill and Libby.

Well, he asked me was I interested in, could I help him in any way. If I did, he would see I would come into some of that money, you know. I told Mr. Austin at that time, that being everything I had told him so far, every'hing I have said, everything, all the answers I have given to questions, to the police and all of them, it seemed they would take it and twist it around until when it comes back to me, I am in the middle. I said, "I am frightened. I don't want to say anything unless I see a lawyer and let him advise me with respect to the money." He asked me, "Who is your lawyer?" I told him the name of the first lawyer. I didn't know but one lawyer. His name is William Gerber. He
1463 had handled some legal things for my family.

He is the family lawyer. At that time I didn't know the correct address. I know he is 33 North LaSalle Street now.

After I told Mr. Austin that, he pushed the button and told the clerk out in the outer office to look up Mr. Gerber's phone number. He did. He got Mr. Gerber on the line. He conversed with someone, he said was Mr. Gerber. He was speaking into the phone. His conversation was this. "Are you Mr. Gerber? Well, I have a client of yours by the name of Paul Crump down here, who wishes to participate in the reward the Libby plant is offering, but don't want to say anything until you are here. No, he hasn't said anything as yet. Can you get down here? Hurry up. He is down here now." He held off the phone.

Mr. Austin turned to me and said, "Tell me this. Did you, were you in on this robbery?" I told him
1464 no. "I see. Well, I am not interested in, too much in the robbery. I am interested in that shooting. Did David Taylor shoot this man?" I said, "No." He said, "Did Eugene Taylor shoot?" I said, "I don't want to say anything further until Mr. Gerber comes."

Yes, I knew something about it at that time. Yes, Mr. Gerber came and I talked to him. I talked to him once out of the presence of Mr. Austin. Then Mr. Austin later on came in.

I talked to Mr. Gerber and told him of how I had been treated and of what Mr. Austin and I had talked. He said, "Wait a minute. I am going out and talk to Dick." He left the room. He stayed out for, I will say, about thirty-five minutes. He came back with
1465 Captain Reynolds. Mr. Olson was with him, and I believe Mr. O'Malley was with him. I am not certain if Mr. Bloch was there or not.

I did not know all the names of those persons at that time. I subsequently found out their names.

They came into the room, and Mr. Gerber addressed me in front of those men I have named. He told them, "Now, Dick, you hear this. I am advising my client not to say anything to anyone except on my advice." And he told me, he says, "Paul, and if anyone asks you for a match, you tell them you can't give it to them unless you have the advice of your counsel." He said, "Do you understand?" I said, "Yes, sir." And he asked Mr. Austin and the rest of them did they understand it. They said, yes. Then he walked out.

After that I was taken to a big lockup room. I
1466 stayed there from, oh, about 3:00, 3:00 o'clock that afternoon until about 10:30 that night. Yes, I was subjected to brutality those hours.

We were all sitting around a big round table. They had me cuffed to the table. They put these cuffs, every time they put them on, they would put them on as tight as they could. It would cut off the circulation in my arms, and it would start numbing all over my arms. I would complain, but it wouldn't avail anything. They wouldn't loosen up. We were all sitting around the table. I was not saying anything. I wouldn't speak to anyone.

This officer down there, I think he was a cruel beast. He would say, "Now, Crump," he says, "where is the money?" I says, "On the advice of my lawyer I don't want to say anything." He would reach over and kick my foot. He had seen me walking, limping. Reached over and kicked my foot. Then he would ask
1467 me, "Paul", he would say, "You are, on the date of the 20th, you are the fellow had on the dark blue outfit, aren't you?" I wouldn't say anything. Then he would kick me. He would come back, ask me did I want a cigarette. I said, "Yes." He would give

me a cigarette, then hit me up beside my head, just walk by after he gave me the cigarette, walked by me, hit me right up beside the head. The cigarette falls out of my mouth. He would say, "You smart so-and-so; you dirty so-and-so," cursing me all the time.

The most excrutiating I had to go, he would stand on my foot, just walk up and stand on it and stand there and look at me, grin, smile, just look at me. Then he would get off, go back, sit down, cross his legs, then look at me, curse me, "You so-and-so, you dirty so-and-so."

Yes, at about the hour of 10:30 p.m., Friday evening, March 27th, 1953, I went back to the office of the State's Attorney of Cook County.

1468 They had took Dave and the rest of those boys out, and like I say, left me with this man. Then I was brought up. They took them out about 4:00 o'clock. I stayed there all by myself, except for the office, until 10:00 o'clock, and then they come and got me, and when I walked into the office, there was David Taylor, Eugene Taylor, Harold Riggins, Mr. Austin, and this court reporter that they had in there. That Harold Riggins is a defendant in this case.

When I walked in the door, Mr. Austin says, "Well, Paul, there is a friend of yours around there." Harold spoke to me. I spoke to him. I have known him for a long time, all my life, practically. Then Mr. Austin began to relate different events that had happened,

1469 that he said happened out in the Stockyards, and he told me about crying and saying that I had to do it, and about me shooting someone in the stomach, and that I was seen. Well, he just told all of the stuff that was subsequently put into the statements. In fact, that wasn't exactly as he said.

He asked me how did I like it downstairs. He asked me how was I treated, and about 11th Street, had I been arrested prior to that time; how was my treatment at 11th Street. I told him I didn't like it, that I think it was a beastly way to treat any human being.

The court reporter was sitting in the back. I don't
1470 know if he eventually made notes. Questions were asked of me and I made answers.

Mr. Austin did make reference to lodging us at 11th and State. I pleaded with him not to, because I didn't want to go back down there where Pape was there. He said, "I will see if I can make other arrangements." Other arrangements were made; I was taken to the jury room, or witness quarters, an annex of the building of the County Jail.

The next morning at about 10:00 o'clock I came
1471 back to this building. I went up to the State's Attorney's office. No, I don't know all the people who were there, but they told us the names. I didn't catch all of them. Like I say, I was sick, I was ill, I was fatigued. I didn't know where I was half the time.

Yes, I was presented with a statement that I signed the night before at that time. Yes, I signed it.

On March 20th, 1953, I was at Hudson Tillman's house when I was first arrested. With respect to where the home of my people is, it is on 111th. I live at 110th, it is two blocks.

1472 I went to Hudson Tillman's house that evening at the request of Eugene Taylor. The two of us went up there, but I knocked on the door. After that I was arrested.

At no time did I tell the Police of the State's Attorney about where the guns were hidden. I couldn't

direct them anywhere. I don't know where the stuff was. No, I did not leave any weapon at the home of the Taylor boys as stated in the statement read to the jury lask week.

1473 No, I did not see Mrs. Little on March 20, 1953. I saw her prior to that at a dance. It was, let's see, March, oh it was before October, maybe September. She and the Taylor boy were keeping company, I know that. He had brought her to the dance that night.

Mr. Lee: Take the Witness.

The Court: Do you have any objection to adjourning at this time?

Mr. McGovern: No objection.

1474 (Whereupon the trial of this cause was recessed until Monday, December 12th, 1955, at the hour of 2:00 p.m.)

1475 Before Judge Holmgren and a Jury.

Monday, December 12, 1955, 2:00 P.M.

Court convened pursuant to recess.

Present: Mr. McGovern, Mr. Cooney and Mr. Lee.

(Whereupon the proceedings were had in the Courtroom, out of the presence and hearing of the jury.)

1476-1478 (The Court, Mr. McGovern, Mr. Lee and one Dr. Telser engaged in conversation relative to the handwriting on a certain card.)

Mr. Lee: The other two exhibits will be withdrawn. This will be number one.

The Court: No, this will be exhibit number three. (Jury in the Courtroom.)

The Court: Let the record show the jury is in the 1479 room and by stipulation of the parties, by their respective attorneys, it is agreed witnesses may testify

out of turn. By that I mean, the State not having concluded or started cross examination of the defendant, who was on the stand before our adjournment. (Defendant's exhibit 3 was marked for identification by the reporter.)

STANLEY E. TELSER, called as a witness on behalf of the defendant, having been first duly sworn, testified as follows:

Direct Examination by Mr. Lee.

The Witness: My name is Stanley E. Telser. I live at 5050 East End Avenue, Chicago, Illinois. My pro-
1480 fession is that of physician. I am duly licensed in the state of Illinois to practice medicine. I was licensed March 11th, 1938. I am a graduate of the University of Illinois.

Subsequent to my graduation I put in two years interneship, two years residency in Cook County Hospital, served in the Services, qualified as a specialist in internal medicine in 1950. I maintain an office at 122 South Michigan Avenue, Chicago.

Yes, in the year of 1953, I was employed as a physician in the Common Jail of Cook County. My duties among other things, it is nearly two years since I have been there, I examined the inmates as they were
1481 brought in, and took care of any medical problems that arose during the time I was at the Jail.

The examination was a very perfunctory one. We examined as many as one hundred during a short time, mainly concerned with whether they were in ill health or suffered any recent injury.

Q. I show you defendant's exhibit 3 for identification and ask you if there are any characteristics on that card you can identify as your own; yes or no?

A. Yes.

Q. Will you please examine the card carefully.

A. Yes.

Q. As a result of that examination of the card, can you say that you examined, you conducted a physical examination of Paul Crump, the defendant in this case?

A. I saw Mr. Crump at one time, yes.

Q. You haven't any recollection of the defendant, have you, Doctor, in your own mind?

A. No.

1482 The Witness (continuing): The date stamped on the card is March 30, 1953. It would be difficult to say at this time that I examined Crump on March 30, 1953, because very often prisoners were brought in at one date and I may not have seen them for several days thereafter. I could not attest this was the actual date. It wasn't before that date; it was that date or later. I have no remembrance right now as to any findings.

1483 There are some entries on this card, but some of them are not in my handwriting. I can attest to the following:

He stated he used tobacco, used alcohol, did not use drugs, had no tuberculosis, no heart disease, no lung conditions, general physical condition good, did not suffer fits, scabies, syphilis, that he had gonorrhea one year, complained of numbness and burning of the hands, no apparent paralysis of the hands. I found no evidence of palsy.

1484 There is only one other thing here that I could possibly say, and then he had several very old scars various parts of the body, face, arms, hands, and there had been a small abrasion on the back of the left hand. That is all that is in my handwriting. That is all I would attest to. And the abrasion wasn't—there is some other writing here, that he had a laceration.

No, I am not responsible for that chart. I only had these cards a few moments. I am not responsible for the records of the County Jail. I wrote on them, passed they on to the inmates.

There are no other objective findings. There is a statement here that there is a laceration of the palmer
1485 surface under the toe. That is on the left foot. That had been incurred in an auto accident six months prior to coming into the Jail. That isn't in my handwriting.

At the time I was employed in the Jail, at times I had assistance, clerical assistance of some kind in making these recordings. I don't recall if I had any at this time.

There is a statement here. It is on the chart. It is indicated there was a small abrasion on the back of
1486 his left hand. There is an indication from this chart, there is something on the right elbow, but I can't read that handwriting.

Mr. Lee: That is all.

Cross Examination by Mr. McGovern.

The Witness: When I say an old scar, I am referring to a scar that is not one of any recent origin. It means just what it says.

Yes, with reference to these marks on this chart, there is one in my handwriting, this abrasion down here; and this O.S. abbreviation for old scars is my handwriting. This handwriting I don't recognize. It doesn't look like it if we compare the two handwrit-
1487 ings. The handwriting I am referring to is at the end of a line pointing to the left foot of the figure.

With relation to the handwriting coming out from another part of the figure, indicating a left arm, it is

blurred. I would say this, it might be my handwriting. I won't say yes or no; it is too blurred.

Q. You say as far as these cards are concerned, I believe you said you had inmates have custody of the cards; is that right?

A. Well, at that particular time.

Mr. Lee: Judge, that was prejudicial. That question was prejudicial and inflammatory. The witness or doctor never said any such thing.

The Court: He says here he turned it over to an inmate. I passed the card to an inmate after I got through with the card. He said he had it only a short time and passed it over to an inmate. Overruled.

Mr. McGovern: You say inmate. You mean an inmate of the County Jail, Doctor?

1488 A. Yes, sir.

Q. After that, Doctor, you wouldn't see that card again, would you?

A. Rarely.

Mr. McGovern: That is all, Doctor.

Redirect Examination by Mr. Lee.

1489 The Witness: May I qualify the handing of the card to an inmate. Actually, we would collect cards in a group, sometimes fifty or more persons come through, keep the cards, put them in a stack, then the whole stack would generally be carried by an inmate to someone else. I never followed through on the final procedure on which they finally got to the clerk's office on an upper floor.

May I say that those marks could have been placed on there under my supervision and direction. I don't remember in this particular instance whether it was or not. It could well have been. I don't remember, though.

There were two physicians in the County Jail at
1490 that time. On a part time schedule. I was in private practice, and I filled in, and I was doing some medical work, doing gastro-intestinal work for the Veterans Administration Hospital. I still maintain my association with the Veterans Administration. No, not at the Hines Hospital.

I began seeing people at the County Jail about the first week of January, 1953, and resigned effective March 1st, 1954. The number of inmates I would
1491 examine on an average day would vary. It would vary from approximately fifty to eighty-five.

Q. And you can't remember any particular specific one?

A. No.

Mr. McGovern: I object to leading his own witness, Judge.

The Court: Sustained.

Mr. Lee: Were you a physician also in the women's
1492 quarters of the jail in the period of time you indicate?

A. Yes.

Q. You were in the women's quarters. Did you ever have any assistants, like people, as inmates, up there?

Mr. McGovern: Judge, I object.

The Court: Sustained.

The Witness (continuing): The matrons assisted me in my professional duties in the women's division in the jail. Once in a while an inmate who might have had some training in medical work would assist.

Yes, I received assistance in the men's department from inmates. There was always one or two inmates assigned to the receiving room and to the hospital.

Q. They were inmates who had in inclination—

1493 A. Or assigned to duty in those offices.

And those inmates often made notations at your direction?

A. At times, yes.

Mr. Lee: That is all. Anything further?

Mr. McGovern: That is all, Doctor.

(Witness excused.)

CHARLES P. SWEENEY, called as a witness on behalf of the defendant, having been first duly sworn, testified as follows:

Direct Examination by Mr. Lee.

The Witness: My name is Charles P. Sweeney. I live at 829 East 52nd Street, Chicago, Illinois. I am a jail clerk. My duties are to deliver indictments, arraignment cards to the inmates, maintain records and files in the jail.

1494 In connection with my duties of maintaining the records and files, I came here in response to a subpoena served by the Sheriff of Cook County. I brought with me the record of an inmate known as Paul Crump. I have the record of Paul Crump in my hands. Yes, I looked it over before I took the stand.

Q. What does the record consist of?

Mr. McGovern: Judge, I object. It speaks for itself. It has already, I object. It speaks for itself. It has already been testified to.

The Court: Sustained.

The Witness (continuing): As a result of reading the record the date of reception of Paul Crump at the County Jail was March 30th, 1953.

1495 Yes, it shows that he was examined by a physician. According to the card, Dr. S. E. Telser is the name of the physician who examined him. I don't know if that is the man who just left the witness stand. Yes,

I heard him testify. No, he wasn't there when I was there and vice versa.

Yes, I know something about the keeping of the records. They are kept under supervision and direction of Mr. Ambrose Bauco, Chief Clerk. There are six clerks in that department.

1496 Yes, I had a consultation with the Chief Clerk before I came over today.

Mr. Lee: Does that record you have in your hands, defendant's exhibit 3 for identification, has that been kept under the care and supervision of the Chief Clerk of the jail?

A. Yes, sir.

Q. Is it a true and correct record?

1497 Mr. McGovern: Objection now, unless he was there when the notations were made.

Mr. Lee: I will interrupt this—

The Court: I will sustain that objection.

The Witness (continuing): I don't recall if any name was specified on the subpoena, served at the jail this morning. Yes, I have the subpoena with me. It is over in the chair there.

The name of the man, Chief Clerk in the jail, is Ambrose Bauco. Yes, it is the name Ambrose Bauco on the subpoena I brought in here. Yes, he is over there this afternoon. Yes, I had a conversation with him before I came over here.

1498 Q. Why didn't he come instead of you? He was busy, wasn't he?

A. Yes, sir.

Mr. Lee: That is all.

Cross Examination by Mr. McGovern.

The Witness: I have been working in the County Jail since August, 1955. Mr. Bauco has been working in the County Jail for approximately five years.

1499 There are County Jail inmates working in the office of the County Jail at this time in the capacity of runners. Delivering different things to different parts of the jail.

Q. What the custom was in 1953, or 1954, you wouldn't know, sir, because you weren't there?

A. All I know is hearsay on something like that.

Mr. McGovern: That is all.

Redirect Examination by Mr. Lee.

The Witness: In relation to this, I did not have a conversation with anyone other than Mr. Bauco. I did not see Mr. Maddock, the Deputy Warden.

1500 Mr. Lee: I offer defendant's exhibit 3 for identification in evidence as defendant's exhibit 3, if Your Honor please.

Mr. McGovern: No objection, of course, Judge. It had already been testified to by the Doctor.

The Court: It may be received in evidence as Defendant's Exhibit 3.

(Whereupon said document was received in evidence.)

1502 (Witness excused.)

(Defendant's exhibit 3 was at this time passed among the jurors.)

1563 PAUL CRUMP, the defendant, called as a witness in his own behalf, having been previously duly sworn, and examined on his own behalf, resumed the stand and testified further, as follows:

Cross Examination by Mr. McGovern.

The Witness: The first two times I testified were in 1953 before Judge Frank Leonard, here in this building. The second two times have been here in this Courtroom.

I talked to my attorney, Mr. William Gerber, about my testimony before I got on the stand before Judge Leonard. Yes, that is the same attorney that was in Mr. Austin's office that I have testified about on March 27th.

When the police came to my house I put on a blue suit. No, it wasn't my suit.

On the 26th of March I was arrested in my mother's home. Yes, in my bedroom. I don't know just where they got the suit from, but the suit was handed to me by one of the officers. No, I don't know where they got it from. I put it on under their direction. I wore the suit out here to the building.

Yes, I was struck by the police when I was arrested the first time. I was struck with a pistol; across the arms. Yes, I was struck in the stomach. I was prodded. It was more of a punching blow. I was struck with the end of the pistol. I did ward off blows while the officer was striking at me. I received blows on my back at that time. Yes, I was hit in the stomach. I couldn't give any definite count as to how many times I was hit in the stomach. I was struck a number of times. Yes, they were hard blows, they put me in pain.

(Whereupon a discussion ensued as to the relative date. It was agreed upon that the date in question is March 20, 1953.)

The Witness (continuing): I was arrested for the first time on March 20, 1953. I was arrested at the door of Hudson Tillman. I was arrested with Eugene A. Taylor. Yes, he is the brother of David Taylor.

Yes, I was struck when I was arrested on March 20, 1953. I was brought into Tillman's house. My hands were tied behind me in the street. They were still tied behind me in Tillman's house. I was pushed down on the floor with the hands behind me. Yes, I

was kicked while I was on the floor, twice, once on the chest and once on the side. Yes, I was kicked hard.

1511 I was taken to 11th Street on Sunday, March 23rd, I believe. I was struck at 11th Street. Somebody elevated me from the floor at 11th Street. Yes, I was struck when I was elevated from the floor at 11th Street. I was struck behind the neck and in the stomach. I can't recall offhand if I was struck on the legs. In all probability I was, because they weren't fussy the way they struck me.

I was being struck. I don't know whether it was with an object or with the hand. I couldn't see whether

1512 or not I was kicked or what. My eyes, I was blindfolded during the period of time I was hung up, elevated. I received a blow in the legs. I couldn't distinguish whether or not it was a kick. Like I say, I was blindfolded at that time.

Q. Well, sir, you testified before his Honor, Judge Elmer Holmgren, is that correct?

A. Yes, sir.

Q. And that was in this courtroom; is that right?

Mr. Lee: No no, just a minute. I am objecting unless he gives the time.

The Court: I would like to see counsel in Chambers.

(Whereupon the judge and counsel retired to Chambers, out of the presence of the Jury and without the reporter. Then the reporter was called into Chambers, whereupon proceedings were had upon the record, out of the presence and hearing of the jury.)

1513 (Whereupon Mr. Lee objected to any questions on cross-examination pertaining to statements that Crump made in the courtroom of Judge

Holmgren in a preliminary hearing. Mr. McGovern made answer to Mr. Lee's argument.)

1514 The Court: You are showing this is outside the presence of the jury?

The Reporter: Yes, sir.

The Court: All right. Shall we go back to the Courtroom.

(Whereupon the following proceedings were had in the Courtroom in the presence and hearing of the jury.)

1515 The Court: What was the last question read before we went into Chambers?

The Reporter: "Question, Well, sir, you testified before his Honor, Judge Elmer Holmgren, is that correct? Answer, yes, sir. Question, and that was in this Courtroom; is that right?" Then Mr. Lee made his objection.

The Court: The objection is overruled.

The Witness (continuing): Yes, I took the stand in this Courtroom last week, and I took an oath to tell the truth. I don't recall if at that particular time I was asked questions as to whether or not I was kicked in the legs at the time I was elevated at 11th

1516 Street. I believe I was asked questions at that time as to whether or not I had been struck with a hard object while I was elevated at 11th and State Streets.

Q. By the way, refreshing your recollection, were you asked this question by me, and did you make this answer:—This is preliminary—

"Question: You were elevated from the floor; is that correct?

Answer: Yes, sir.

Question: And where were you struck?

Answer: I was struck about the stomach and back of the neck and chest. I was kicked on my foot and like that."

A. Yes.

Q. Were you asked that question and did you make that answer?

A. Yes, sir.

Q. Were you asked this question:

"Question: Were you also kicked in your legs?

Answer: Yes, I believe so, yes."

A. Yes.

Q. And you were struck hard, isn't that right, that particular time when you were elevated?

1517 A. Yes, sir.

The Witness (continuing): Yes, I was struck hard enough to knock the breath out of me. I was being struck, but to actually say it was some hard object, I can say that, no, sir, but I was being struck.

Q. Were you asked this question there at this same hearing, when you testified under oath:

"Question: And when they kicked you in the legs and in the feet they kicked you hard then, didn't they?

Answer: Yes, sir.

Question: You knew you were being struck then with some hard object, is that correct?

Answer: Yes."

Were you asked those questions and did you make those answers?

A. Those are the records, yes.

Q. You did make that answer; is that correct?

A. Yes.

1518 The Witness (continuing): This kicking and striking went on all during the course of time I was hanging up there. I was struck a number of times.

1519 My attention was directed to a voice who I was told was Lieutenant Pape. Yes, I recognized Lieutenant Pape's voice; I knew his voice. In my mind, sir, I

identified him. I associated the man and the voice together. When I later seen him I didn't identify him to anyone. As for actually saying it was him, I couldn't say that. I associated Lieutenant Pape with the voice.

1520 When I was elevated I was blindfolded. I had something across my eyes. I didn't see anything. I heard a number of voices. I associated a voice with Lieutenant Pape, but actually saying it was Lieutenant Pape, I couldn't say.

1521 Mr. McGovern: Well, were you asked this question in the same hearing when you were on the stand under oath:

"Question: Lieutenant Pape questioned you about this killing at the Stockyards, is that correct?

Answer: I didn't say he questioned me.

Question: Lieutenant Pape asked you where Hudson Tillman was, is that right?

Answer: Yes, I identified Mr. Pape only by voice."

Were you asked those questions and did you make those answers?

A. Those are the records, sir, yes, but to say actually I identified Mr. Pape, I just associated his voice with him later on.

Q. Well, you made that statement, is that correct?

A. Yes.

1522 The Witness (continuing): I was arrested at my home on March 26th, 1953. That was in the early morning hours. I learned later on they were Police Officers. They didn't tell me who they were. Actually, at the time I didn't know. They arrested me and took me out of my home. They took me out to a squad car.

1523 On the way I was struck. I was knocked down approximately two times that I can account for—two or three times. I couldn't say I was walking on the sidewalk. I was struck once, I know, when I fell on the lady's lawn on the corner there. Before then I was struck in the stomach and I fell. I didn't fall with force; I sunk, more or less slowly, to the ground when I was hit.

I stated I was struck in the stomach. I was knocked down twice by some blows in the stomach. Mostly the wind was knocked out of me.

1524 In the car going out to the office in the early morning hours of March 26th, 1953, I was elbowed. That was from my house to this parking lot. From 110th Street to 26th Street. I was struck periodically. It caused me pain; I knew I was hit.

The Court: May I interrupt? Mr. Lee, I think your witness just came in.

Mr. Lee: Will you excuse me a second? Will you hold up the proceedings just a moment?

1525 The Court: I think the jury should have a ten minute recess.

(Whereupon the jury was taken to the jury room)

Mr. Lee: I am going to use him right away.

The Court: As soon as the jury come back.

Mr. Lee: Oh, yes, thank you, Judge.

(After a short recess the following proceedings were had in the presence and hearing of the jury in the courtroom.)

Mr. Lee: Doctor, will you take the stand.

1526 ISAAC ROSEN, called as a witness on behalf of the defendant, having been first duly sworn, testified as follows:

Direct Examination by Mr. Lee.

The Witness: My name is Isaac Rosen. I live at 6821 Kenton Avenue, Chicago. I am a physician and surgeon. I am duly licensed by the State of Illinois to practice medicine. I received my medical training
1527 at Chicago Medical School. I maintain an office at 4651 Cottage Grove.

I saw a gentleman by the name of Paul Crump during the month of March, 1953. Yes, I made a record of his visit. I saw him at my office. There was a lady with him; he said it was his wife.

1528 I made an examination of Crump. I used a stethoscope and fluoroscope. I stripped him down to the waist. I made an examination by palpation and touching. I found he had a cold. I took his temperature
1529 and I recorded it. His temperature was 103 and 6/10.

I gave him two injections of penicillin, and a bottle, three ounces of cough medicine, and I believe it was sulfathiazole tablets. He took it with him. Yes, it was medicine I had prescribed. I gave him two injections of penicillin. He carried away from my office enough sulfa for a few days; it might have been about
1530 eighteen or twenty tablets, possibly, I don't remember how many. The directions were on the bottle.

The penicillin wasn't wrapped up. It was given intra-muscularly. He could't take any of that away with him. I gave him an injection in the muscles. I also gave him a bottle of medicine and pills that he took away with him.

Cross Examination by Mr. Cooney.

The Witness: This is the third time I have testi-
1531 fied here. Yes, I was under subpoena for this trial by the State. I am under subpoena now.

When I saw Paul Crump he had a cold. I examined him on March 25, 1953. At the time I examined him I had him stripped down to the waist. Yes, I saw his chest, arms, back, hands and everything.

1532 By palpation I mean feeling with the hands if there is any painful areas. I rubbed my hands up and down his chest and his body. I did not see any bruises, cuts, lumps. He did not complain about any lumps or beatings. He did not snow me any beating marks.

Mr. Lee: Objection, Judge, there was nothing on direct about this.

The Court: No, but there is direct examination shows he was stripped to the waist?

Mr. Lee: Yes, Judge.

The Court: Overruled.

1533 The Witness (continuing): I examined his chest and turned him around and looked at his back and arms. I felt his back with my hands and fingers. I did not see any lumps or bruises on his back. There were no kick marks on his back or any marks of hard objects; no swellings or lumps.

Mr. Lee: I object to this type of recitation.

The Court: Of course, it might be alien to the back. I will let it stand. Overruled.

The Witness (continuing): He did not complain
1534 about any injury to his back or to his face. I did not see any injuries on his hands. All he complained about was a cold.

Mr. Cooney: That is all. Step down, sir.

Redirect Examination by Mr. Lee.

The Witness: I have the 25th of March marked on my card. I don't know what day of the week it was. It is possible it could have been Wednesday.

Mr. Lee: Thank you, Doctor. You may step down.

(Witness excused)

PAU[redacted]MP, the defendant herein, called as a witness in his own behalf, having been previously duly sworn and examined, resumed the stand and testified further as follows:

1535 *Cross Examination Continued by Mr. McGovern.*

Mr. McGovern: Now, Mr. Witness, when you were elevated down at 11th and State Streets, how many times were you struck down there?

A. I didn't count, sir.

Q. It was numerous time, wasn't it?

A. Yes, sir.

Mr. Lee: I object as repetitious.

The Court: Yes or no. Overruled.

The Witness: It was a number of times, yes, sir.

The Witness (continuing): I was released on Monday the 23rd.

I was elevated for approximately two and a half
1536 or three hours. I have testified to that before. That is why I don't see why you don't know all that. You have heard it four times I have told it to you.

Q. Have you told the same thing every time from that witness stand?

Mr. Lee: I object.

The Court: Overruled.

The Witness: I have attempted, to the best of my recollection.

1537 The Witness (continuing): I talked to Mr. Austin the first time on March 27th, 1953, and I talked with him the second time on Friday the same week. Thursday I talked with him; Friday I had a conversation with him.

The Court: Three times?

The Witness: And Friday night I had a conversation with him.

The Witness (continuing): Yes, I told him I participated in this robbery at the Libby, McNeill & Libby Company. (Mr. McGovern and Mr. Lee engaged
1538 in a discussion relative to the transcript Mr. McGovern was reading from.)

1539 Mr. McGovern: Were you asked this further question:

"Question: And at all times when you were talking to Mr. Austin you denied you had participated in the killing at the Libby, McNeill, Libby Company in the Stockyards during the month of March, 1953; isn't that right?

Answer: Yes, I did."

Were you asked that question and did you make that answer?

1540 A. That is the record of that proceedings, I made that answer, yes.

Q. Did you make the answer?

A. Yes, if it is in the record.

The Witness (continuing): I made that statement, the two statements that you made there. I did deny it, then I admitted, and it was involuntary.

Yes, when I testified before Judge Frank Leonard
1541 in the month of June, 1953 I was under oath. Among other people, Mr. Bloch, Assistant State's Attorney at that time, asked me questions. I was asked question by three or four attorneys at that time.

Q. Were you asked this question by Mr. Bloch:

"Question: Did you participate in the holdup of Libby, McNeill & Company on March 20, 1953?

Answer: No, I did not."

Do you remember that question and answer?

A. Those are in the record.

"Question: Did you ever tell Mr. Austin that you did?

Answer: No, I did not."

Were you asked that question and did you make that answer?

A. Yes, sir, if that is the record.

1542 The Witness (continuing): I talked to Mr. Austin March 26th, 1953. At that time Eugene Taylor was present. I answered the questions of Mr. Austin.

Q. In answering questions, did you tell Mr. Austin you participated in the killing in the Libby, McNeill & Libby Company?

1543 Mr. Lee: I object.

The Court: Overruled.

Mr. Lee: I object.

The Court: Overruled: Do you remember that?

The Witness: Yes.

Mr. McGovern: Was that on March 26, 1953?

A. That was one of the occasions, yes.

Q. Now, sir, did, were you asked this question by Mr. Bloch, before Judge Frank Leonard here in the Criminal Court in June, 1953:

"Question: Do I understand you to say now that you never told anybody while you were in custody that you had in fact participated in the holdup of the Libby, McNeill and Libby Company?"

Mr. Lee: I object. He is reading from something else, Judge. We don't know what he is reading from. He just finished the transcript; now he starts another.

Mr. McGovern: We gave him the same transcript.

The Court: What is the objection?

Mr. Cooney: We went down specifically and got it for him.

1544 (Mr. Cooney, Mr. Lee, Mr. McGovern and the Court engaged in a discussion. The question was re-read.)

1545 (The question was withdrawn.)

The Witness: Yes, after I was subjected to all kinds of treatment.

1546 Q. All right. Were you asked this question before the Honorable Frank Leonard in June, 1953, by Mr. Bloch:

"Question. Do I understand you to say now that you never told anybody while you were in custody that you had in fact participated in the holdup of the Libby, McNeill and Libby Company?"

And your answer:

"Answer: No, I didn't."

Were you asked that question and did you make that answer?

A. Those are the records of that proceeding, sir. I made that answer.

The Witness: Yes, I attended a showup at about 11:00 o'clock in the morning, March 26th, 1953.

I can't recall being knocked down in the parking lot before I came into the building that morning, March 26th, 1953, but I was struck and kicked. I would say

1547 it was more than a dozen times, because it began when I got out of the car, and up into the office and they took me in.

When I got into the office a big Officer stood in the handcuffs I had on. I was crouching in the chair. He had all his weight on my hands. He had me under the chin, his weight was on the cuffs and my arms
1548 was holding him up. Then I fell over backwards. My hands were still cuffed.

I was hit with a telephone book while I was in the chair, sitting up. That was before I kicked the chair over. Yes, that was in the office in the State's Attorney's office.

When I came in I saw a man standing. That man later came back and said, "We will have none of that here".

1549 Yes, when I was questioned by Mr. Austin in the State's Attorney's office on the evening of March 27, 1953 I made answers to the questions. I can't definitely say there was a court reporter present.

Q. Was there somebody writing in a book at that time?

A. I didn't notice.

Q. Didn't you say there was a Mr. Erickson there?

Mr. Lee: Objection; he didn't say it.

The Court: Overruled. He may answer.

The Witness: I later found out the man I saw there was Mr. Erickson.

1550 The Witness (continuing): I later learned he was a court reporter.

I was asked questions by Mr. Austin. Dave Taylor, Eugene Taylor and Harold Riggins were present. I answered Mr. Austin's questions except for the times Dave and Eugene answered. He would ask me questions and they would butt in. I wouldn't even have to answer.

1551 I told him I was in the holdup at Libby, McNeill and Libby Company, on March 20th, 1953, but it was not

true. Yes, I am telling the truth now. I was telling the truth before Judge Leonard.

I told Austin I killed somebody at Libby, McNeill and Libby. I was under oath before Judge Leonard and at that time I said I did not. My attorney told me that the question then was the voluntary character of that statement. That is all that was agreed. They never asked me did I make that statement there voluntarily. I didn't make a statement or confession or
1552 anything else voluntarily, no; but I did make one, I made two. I would have made three or four if conditions under which I made them were to continue.

Q. When you said before Judge Leonard you never told anybody while you were in custody you had participated in the crime at Libby, McNeill and Libby Company, were you telling the truth?

A. I never told it voluntarily, Yes, I was telling the truth.

Mr. McGovern: Judge, I submit—

Mr. Lee: You got an answer and you don't like it.

Mr. McGovern: The witnesses answers are not responsive.

The Court: Did you tell him that? Did you say before Judge Leonard you had never participated in any holdup or participated in this particular holdup?

The Witness: Your Honor, when the question was asked me, I thought they were speaking of a voluntary character—

The Court: Did you tell him that, the State's Attorney asked, that you did not participate in this robbery?

1553 The Witness: Yes. I did think he meant did I give it of my own volition.

Mr. McGovern: That is what you were thinking at that time?

A. Yes.

Mr. Lee: Objection to what he was thinking.

Mr. McGovern: You know you were under oath?

A. Yes.

The Witness (continuing): Some of the answers I gave Mr. Austin were true and some weren't true. I told him I live at 1231 West 110th Street. I told him I was working at William E. Dee Material Yard.
1554 I believe I worked the last part of February there also. I was not working the first part of February, 1953.

Q. Where did you work in January, 1953?

Mr. Lee: Objection, Judge.

The Witness: I wasn't working then, either.

The Court: Overruled.

The Witness (continuing): I was laid up in December, 1952. In January I was laid up at home. I
1555 lived at 4330 Lake Park every day of January, 1953. Every day of February, up until the middle part, I believe.

Q. Now, Mr. Austin asked you this question, did he not:

"Question: Now did you participate in a robbery on the 20th of March at the Libby, McNeill and Libby plant?"

And your answer:

"Answer: Yes, sir, I did."

Isn't that right?

Mr. Lee: I object, unless he tells what document—

Mr. McGovern: I am reading from people's exhibit 23, Mr. Lee.

1556 Mr. McGovern: Was it true you were living, when you told Mr. Austin you were living at 1231 West 110th Street; was that true?

A. Yes.

Q. Was it true when you said you were 22 years of age?

A. Yes, sir, it was.

Q. Was it true, when he asked you where you were working, and you answered:

"Answer: Material yard."

A. Yes, sir.

Q. When he asked you:

"Question: And was that in Harvey?"

and your answer:

"Answer: Yes, it was."

was that true?

A. Yes.

Q. When he asked you:

"Question: How long did you work at that particular place, Paul?"

and you answered:

"Answer: Off and on for two years."

A. Yes.

Q. "Question: What were you making a week, about?

Answer: About 54 a week."

1557 was that true?

A. Yes.

Q. When he asked you how long you had known Dave Taylor, and you said about eight months or so; was that true?

A. Yes.

Q. When he asked:

"Question: How long have you known Gene Taylor?"

and your answer:

"Answer: About six or seven."

was that true?

A. Yes.

Q. When he asked you:

"Question: How long have you known Harold Riggins?"

"Answer: Practically all my life."

was that true?

A. Yes.

Q. When he asked:

"Question: How long have you known Hudson Tillman?

and your answer:

"Answer: Same, all my life."

was that true?

A. Yes.

1558 Q. "Question: Did you participate in a robbery on the 20th of March at the Libby, McNeill and Libby plant?

Answer: Yes, sir, I did."

Was that true?

A. No, sir.

Q. That wasn't true?

A. No, sir.

Q. When you were asked:

"Question: Who was the first one you discussed this with among this group of five?"

and your answer:

"Answer: David."

Was that true?

A. No, sir.

Q. "Question: And you had worked at Libby, McNeill and Libby, hadn't you?

Answer: That's correct."

Was that true?

A. That's right.

Q. "Question: Did you quit about last October?

Answer: What month was that?"

and then you said: "About the first of December, I don't know."

was that true?

1559 A. Yes, but that wasn't the first time I was asked those questions.

The Court: Just answer the question.

Mr. McGovern: When you were asked whether or not you had made any masks, and you said you were to make the masks; was that true?

A. No, that wasn't true.

Q. When you were asked:

"Question: And who finally did make the masks, Paul?"

"Answer: I made them."

Was that true?

A. I said that to get my wife's name out of there.

Q. That wasn't true?

A. No.

Q. When you were asked:

"Question: And who bought the cloth?

Answer: I bought it."

was that true?

A. That was to get my wife's name out of there. I am going to tell these people the truth. The only way I could get it out, was to say I did it myself; so I said it.

The Court: Your lawyer will bring out what is to

1560 be brought out when he is through.

Mr. Lee: Let him keep on going. He is bringing it in.

The Court: The remarks of counsel are stricken and the jury instructed to disregard them. I want no further remarks like that.

Mr. Lee: Well, Judge—

The Court: I have said I want no further remarks like that. Let's get going.

Mr. McGovern: You were asked where you bought the rubber gloves, and you said you bought them at Walgreen's; isn't that right?

A. Yes, I said that.

Q. You were asked if there was a rifle too, and you said that there was; isn't that right?

A. That is what I said.

Q. You said that. You were asked:

"Question: Who got the rifle, Paul?"

and you answered:

"Answer: Riggins."

Is that right?

A. I said that.

Q. Who told you to say that?

A. I had been handed it ever since the 20th—

1561 Q. Who told you to say Riggins got the rifle?

A. I started making the best—

Q. Yes, who told you to say that?

A. Well, from the, there was an Officer that was with me in the lockup room and he was telling me different portions.

The Witness: When I came in the State's Attorney's office that night that was the first thing I heard about the guard. No, the Officer didn't tell me Eugene or David Taylor shot him.

1562 When I was before Judge Leonard, David Taylor, Eugene Taylor and Harold Riggins were there.

Q. And when you were asked about:

"Question: Was there any arrangements made to have the other car driven some place else?"

and your answer:

"Answer: Yes, I believe there was."

did you answer that way?

A. Yes.

Q. Were you asked.

"Question: What kind of a weapon did you have, Paul?

Answer: I had a .32 revolver."

Is that right?

A. Yes, I made that statement.

Q. And did you state you had on a blue topcoat, blue-gray hat and blue pair of pants and blue suede shoes? Is that correct?

A. Yes, I made that statement.

Q. And you were asked:

"Question: What did you do when you went
1563 out there 'where the man with the payroll was'?

Answer: I accosted the guard and took a revolver from him."

Is that right?

A. Yes, I made that statement.

Q. You said you hit the guard with the barrel of the revolver; isn't that true?

A. Yes, I made that statement.

Q. When you worked at Libby, McNeill and Libby Company, you knew Ted Zukowski, didn't you?

A. I had saw him on a couple of occasions. At that time I didn't know him as Mr. Zukowski.

Q. When you were asked this question by Mr. Austin:

"Question: I couldn't hear you?

Answer: I turned, you know, my foot got caught in the step and I fell back and that is when it seemed like he was reaching for his revolver

and I got up again and he grabbed me again and strugged and that is when the shots were fired."

You said that to Mr. Austin, didn't you?

A. Yes, I did.

Q. Did you tell Mr. Austin when he asked you:

"Question: Did you have two guns in your hand at that time?

1564 Answer: Yes, I did."

Is that right?

A. Yes, I did, I told him that.

Q. And you were asked:

"Question: Did you shoot each gun?

Answer: I don't know that either because afterwards I didn't even examine the guns."

Is that true?

A. Yes, I told him that also.

Q. And you told Mr. Austin also that you knew Mr. Zukowski was a guard there at the Libby, McNeill and Libby Company; is that right?

A. Yes, I did.

Q. Did he tell you to tell him that?

A. No, I knew that.

Q. What was that?

A. I knew that for true. Yes, I knew that for true.

Q. Did Mr. Austin ask you what you said to David Taylor about this killing when you saw him after the robbery?

Mr. Lee: I object, unless he reads the question 1565 and gives the answer. He is reading from a document he has in his hand there.

The Court: Are you reading from the document?

Mr. Lee: He certainly has been reading from the document for the last five minutes. I want to know what exhibit it is.

The Court: It is still people's exhibit 22?

Mr. McGovern: That's right, Judge; people's exhibit 23. I will rephrase it.

Mr. Lee: That is good.

Mr. McGovern: Now, you were asked by Mr. Austin if you went over to David Taylor's house after this robbery; is that right?

Mr. Lee: Objection, unless he reads the question.

Mr. McGovern: I won't refer to it at the moment.

The Witness (continuing): I was asked by Mr. Austin the evening of March 27th, 1953, if I went over to David Taylor's house after this robbery on March 20th, 1953. I said that I did. Yes, I was asked by Mr. Austin what was said when I got over there.

Q. Did you tell him what was said?

1566 A. I don't know.

Q. Did you tell him when he asked you:

"Question: Now, after you got to David Taylor's house, what did you do with these guns?

Answer: I dropped them on the floor."

A. Yes.

Q. Were you asked if David's brother George was there, and you said, "Yes, I believe he was."

A. Yes.

Q. Were you asked:

"Question: Do you want to tell us what you said to him? Will you keep your voice up?

Answer: He asked me did I have to do it.

Question: Did you know what he meant by that?

Answer: Yes, I knew.

Question: What did you say to him?

Answer: I don't know, I cracked up then."

Who told you to say that?

A. Well, that was said right after I came into the room, but I told Mr. Austin that.

Q. Who told you to say you cracked up then.

A. It was said when I came into the room. Mr. Austin was there. He was telling me what he had
1567 elicited from the other men and the things they supposedly told him, allegedly portrayed everything I did, allegedly, in this robbery.

Q. Did you make this statement to Mr. Austin:

"Answer: I don't know what words I said, I mean, I don't know what I was saying, I know I was—I don't know exactly the words I was saying but I tried to show him that, you know, that I didn't actually intend to commit any murder."

A. Yes, I did.

Q. Did Mr. Austin or anybody else tell you to say that?

A. I don't recall exactly, sir.

Q. What is that?

A. I can't recall offhand.

Q. When you were asked:

"Question: That is, when you went there that day you said you didn't think you were going to have to murder anybody?

Answer: No, if I had any—I don't think—I know positively I wouldn't."

Who told you to say that?

A. No one told me to say that.

Q. What is that?

1568 A. No one told me to say that, I don't think.

Q. And you were asked by Mr. Austin:

"Question: Well, did you get any money from him between the time you got to David Taylor's house and the time you were arrested? Did you get any money from David?

Answer: Yes, I did."

Who told you to say that?

A. It was all part of the story I was told when I came in.

Q. By Mr. Austin?

A. Mr. Austin, Eugene, David, they all——

Q. They told you the story. Did Mr. Austin then tell you that he wan'ed you to repeat what he told you in front of a court reporter?

A. Not in a sense. But he just started asking me a lot of leading question. I could tell by the inflection of his voice what to say.

Q. You could tell by the inflection of his voice what to say?

A. Yes.

Q. Was he changing his voice as he would ask the questions?

A. Just a certain quality he would put to it.

1569 The Witness (continuing): No, it was not altogether because he would change his voice that I would make these answers. All that I told Mr. Austin, what I had been hearing from the time of my arrest until the time I came down into that office. All I said to Mr. Austin that night in respect to the statement there and the other was elaboration on the things I had heard from the day I was arrested, that Friday night until—

Yes, at that time I still had on my brother's suit. I am not going to say my brother's name. I am not

1570 involving any of my brothers. You got one; that is enough.

Q. You were asked this question by Mr. Austin:

"Question: Now that blue suit that you have on now, whose blue suit is that?

Answer: David's.

Question: David Taylor's?

Answer: That's right."

Is that correct? Is that what you told Mr. Austin?

A. David said that was his suit.

Q. What is that?

A. David said that was his suit.

Q. You said it was his suit, too, didn't you?

A. Yes.

The Witness (continuing): When I was working at Libby's I worked under the name of Byron Fox. When I rented an apartment I rented it under the name of Byron Fox. I worked another place under the name of Byron Fox too.

Q. Now, were you asked this question by Mr. Austin that same evening:

1571 "Question: Well, is there anything more you want to say about this robbery?

Answer: The only thing that I am sorry that it ended up with the death of someone, that's all."

Who told you to say that?

A. No one told me to say that.

The Witness (continuing): The next day I appeared in the State's Attorney's office. At that time something was read. No, I didn't follow the deliberations, not consistently all the way through.

1572 I was handed a statement and asked to read it. I didn't pay any attention to what was being read to me. Well, I followed it close enough to know it was some of the things I had only continued from the things I had heard and repeated on numerous occasions the night before and heard even before that. Yes, after

1573 I was asked to sign a statement. Yes, I was asked if it was true; yes, I signed it.

I believe there was some ladies in the room. I was asked how I had been treated while I was in the State's Attorney's office. I don't know the exact

words I used. I might have said that I had been treated fine.

Harold Riggins was also present that morning of the 28th of March, 1953. I don't know that the statement
1574 was read to him too. I couldn't say for sure.

Q. Well, didn't you hear Harold Riggins say he didn't want to sign the statement?

Mr. Lee: Objection right here, Judge. I don't know what that has to do with it.

The Court: Overruled.

Mr. Lee: He wasn't present, Judge, when Riggins made a statement.

The Court: I am assuming what counsel is asking has to do with some question that may have been asked of the witness, and if the witness was not there he can't answer at all.

The Witness: The morning of March 28th, 1953, that was a Saturday morning. Yes, I was present in the State's Attorney's office. Yes, David Taylor, Eugene Taylor and Harold Riggins were there and statements were read. Yes, I guess a statement was read
1575 to Harold Riggins. I heard some words to the effect that he didn't want to sign it. Something about his lawyer; I don't know if he did or not.

After those statements were read to us we were taken to another room. A doctor looked at us; David Taylor, Eugene Taylor, Riggins and myself. I don't
1576 recall offhand if he asked us if we had any complaints to make. I did not make any complaints to the doctor.

When I was at Dr. Rosen's, before I was arrested on the 26th, there was no State's Attorney behind me then. I didn't make any complaints to Dr. Rosen

about being struck or kicked because I didn't go out there for that purpose. I just complained to him about fever and temperature. I was going to get an attorney and then go to the doctor. I wasn't allowed that opportunity. The people came back and got me before I could.

1577 Mr. McGovern: Now, you wore a goatee, did you not?

Mr. Lee: I object to goatee. There is only one goat here. We don't want any more.

The Court: He may answer. Overruled.

The Witness: Some time before I was arrested I wore a goatee. I didn't call it a goatee myself. I had a growth of hair on my chin. I didn't give it any name.

1578 I was just unshaven. I didn't shave too much back then, anyway. I do not know what you mean by a
1579 goatee. I didn't do too much shaving. I was 22.

Goatee was the name I got to it in the other trial. I just used the name they used. I didn't know what
1580 it was; they called it a goatee. Yes, I called it a goatee. They were talking about the hair on the lower portion of my face, on the chin. I guess that is what they were referring to. I was referring to the same thing they were.

I had the hair on the lower portion of my chin off and on. Sometimes I would shave; sometimes I wouldn't for periods of time.

1581 Mr. McGovern: And you had that goatee in March, didn't you?

Mr. Lee: Back on the goatee again. Judge it is clear I can't get a connotation or definition of the word.

The Court: He said he used the word goatee in the former trial.

Mr. Lee: That is the former trial; this is this trial.

The Court: Overruled.

The Witness (continuing): I didn't have any hair on my face in March. I was smoothly shaven. I got a shave. It was about the first of February or latter part of February at the barber shop on 55th, up on Garfield.

1582 I testified that I saw Eugene Taylor on March 20th, 1953. I was on the corner of 43rd and Berkeley. He was coming out of a building there. I had been to a barber shop earlier that morning. At about 2:30 or a little after; no, I will say about 3:00 o'clock in the afternoon.

Mr. Lee: Judge, is this outside the scope of the direct? I don't know. I believe that it is. May I have a ruling, Judge. It is puzzling to me, Judge, to say the least, to see a person on trial with an array of

1583 documents here on which a cross examination is conducted in this fashion.

The Court: Overruled. He may answer.

The Witness (continuing): That's right, I went to the barber shop. I got a trimup. No, I did not get a shave. I don't understand what you mean by that was just a coincidence.

(Mr. McGovern requested a short recess.)

The Court: All right. Recess. The jury may step out.

(After a short recess.)

Mr. McGovern: That is all, Judge. I have no further questions.

1584 *Redirect Examination by Mr. Lee.*

The Witness: I had a conversation on the evening of March 20th, 1953, with police officials. It was the day of the first arrest. All they talked about was

the robbery at Libby, McNeill and Libby. That was at the 48th Street Station; Stockyards. I was taken there that night.

At that time I was a prisoner in the Stockyards
1585 Station. At that time I did not know the names of any of the persons who talked to me. Subsequently I found out the names of those men through my other trial. Yes, as a prisoner in the Stockyards Station, I was shown one or more of the exhibits that were introduced in this case.

At the Stockyards Station on the night of March 20th there were roughly twenty-five or more policemen.
1586 The majority of them were asking me questions with regard to this robbery and murder; I wouldn't say every one of them.

I did not see the witness by the name of Morrissey at the Station on the night of March 20th, the date of my first arrest. I saw the pipe, the exhibit, in the
1587 Station that night. It was held in the hand of a policeman and exhibited to me. I was told statement at that time about that pipe. I was shown the hat, which was another exhibit, at that time.

The first man I saw was the Captain in charge of that Station that night. I subsequently learned the name of that man was Captain Reynolds. I talked with Captain Reynolds that first night I was in the Stockyards Station.

The next day was Saturday, March 21st. I was
1588 within the confines of that Station. Yes, Policemen or other persons accused me on Saturday, the 21st of March, 1953. Accusations began when I was arrested the night of the 20th and continued on until I was released.

On March 22nd I was transferred as a prisoner to another police Station of the City of Chicago Police Department. That was 11th Street Station, 11th and State.

1589 At 11th Street Station police officers accused me of the robbery of the Libby, McNeill and Libby Company. I was constantly questioned on the evening of March 22nd. That was the evening that I was strung up as stated before.

Q. What was your physical condition on March 26th, the date of your second arrest?

Mr. McGovern: Objection; asked and answered.

The Court: Sustained. He had a fever of 103.6.

The Witness (continuing): Many times on March 26th, 1953, I heard policemen accuse me of the robbery of Libby, McNeill and Libby Company prior to meeting Mr. Austin.

On the second floor of this building I saw a person of the name of Hudson Tillman. He was sitting behind

1590 me. He didn't ever confront me. They brought Hudson in and they put him behind me, sat him in the chair behind me, and the officer that brought him in asked him, "Is that him?" I didn't hear any remark. He said, "Was he with you? Is he the one?" I didn't hear any remark. And they took Hudson, they took him out. And—yes, they took him out, they took him on out. Then, later on, in the presence of that man and Mr. Bloch, Mr. Gutknecht, about five or six other police officers, and I knocked him down because the man lied.

Mr. McGovern: I object to the conclusions of the witness, ask it be stricken.

Mr. Lee: I didn't hear the last.

The Court: It may be stricken and the jury be instructed to disregard it.

1591 The Witness (continuing): They wouldn't allow me to carry with me from my home at the time of my arrest any medication I had received from Dr. Rosen; my wife, they wouldn't let her give it to me. I was in continuous fever and sweat at that time. I didn't see that doctor that testified here until some three or four days later, when I, as a defendant, entered the County Jail.

1592 When I came into the room on the night of the 27th, I walked into the door, and at that time Mr. Austin began to relate different events that took place out in the Stockyards and the conspiracy, everything that was supposedly entered in to commit that robbery, and in his statement, it contained the name of my wife. They said that she made the masks, and that she purchased the gloves and the—I don't know what else —but they had her involved in this. They had David Taylor's wife upstairs at that time. They meaning the State's Attorney or the police.

Mr. Austin said my wife was involved. That was what had been transpiring while I was downstairs, these statements to the effect my wife had did these

1593 things. I told him it wasn't so, and asked him would he—he told me—at that time I found out David Taylor's wife was upstairs, they had her in jail, and my wife, under the physical condition she was in, and I told him to strike it, could I get her out of there. And that is how I came about, one of the reasons which motivated me making that statement was to get her out from implication, out of being implicated in this.

I said to Mr. Austin that I had something to do with the cloth with which the masks was made, and the gloves, and the rifle, that was like I said, they had my

wife in there on that cloth and the gloves, and the sewing of that and all, and the onliest way I could get it struck off those fellows' statements and keep her from being involved, was to make the statements. And that is in one of the records there that the shorthand reporter got it, her name is in the statement, in the original.

1594 On March 20th, 1953, I met Eugene Taylor on 43rd and Berkeley. I had just come from meeting my wife. I was waiting for a streetcar going east. I was going out in Morgan Park. And Eugene came down from the building, from a building that is on the corner there, and was getting in a black convertible
1595 Buick car. I seen him and I asked in which direction was he headed. He said that he was going south. I was also going south. I was going over to, west, and catch a State Street car and go south to Morgan Park streetcar. I asked him could I ride with him. He said yes. We got in the car and we proceeded south.

When I got in the car, and as we were going south, Eugene told me about this robbery. Yes, we got out to Tillman's house. He asked me to take him out to Tillman's, show him where Tillman lived. I went over with him. I was taking him to Tillman's house, directing him to his house as he asked me.

On March 26th, 1953, when I got out of bed I put on a suit of clothes.

1596 I met David Taylor when I began to work. I had known him from August, about September or August. I was not wearing a suit of David Taylor's on the 20th. I haven't the least idea about David Taylor's suit or clothes. That is what David said; that is what Mr. Austin said David said; I don't know.

I am five—the last time I measured, about five, ten and a half, nine. I am 26 in the waist; he is about 32. I could not wear his clothes.

1597 Mr. McGovern: Objection, calling for the conclusion of the witness.

The Court: Sustained.

The Witness (continuing): When I was at 11th Street the night of March 22nd I had something over my eyes. I didn't know the lighting conditions then. I don't know what I was struck with.

Mr. McGovern: I object. He stated a hard object here.

The Court: Sustained.

The Witness (continuing): I actually couldn't say
1598 it was an object; but I was hit.

On Saturday morning, March 28th, I came over to this building. I was accompanied by three or four men. I guess they were Police Officers. Yes, they had sidearms.

At the time of my arrival at the office of the State's Attorney of Cook County I was escorted by armed men. At the time I was appending my name to the document here in evidence there were armed men sitting right behind me.

At the time I executed the document a number of
1599 people signed. I believe the name of Dr. Brams appears on the exhibit.

I believe Mrs. L. Robert Mellin and Graydon Megan were introduced or was made known to me on the second floor of the State's Attorney's office that morning. I believe their names were spoken aloud. They did not mention any more than their names that morning.

1600 (A discussion ensued between The Court, Mr. Lee and Mr. McGovern.)

1601 The Witness (continuing): No, William A. Brams did not identify himself to me as a licensed physician under the State of Illinois to practice medicine. I was not told he was there for the purpose of conducting
1602 a physical examination on me. He did not obtain my consent to make the physical examination of my person; they just went along.

I couldn't say for sure I would know Dr. Brams if I saw him again. No, Dr. Brams did not have any medical instruments; not that I know of. He did not
1603 take my temperature. No, he did not use any instruments whatsoever on my body, just felt us on the head, felt me on the head. I don't think I knew he was a physician at that time. I can't say for sure.

He did not say anything to me at that time. I don't know if he represented himself as a doctor; I can't recall. At no time did he tell me why they were having a doctor present.

They did not tell me why those other people were
1604 there. In fact, I didn't have any conversation from them during the whole time we were in the room.

Q. Do you know who made any of the arrangements for that affair to be a public spectable?

Mr. McGovern: I object, if the Court please.

The Court: Sustained.

Mr. Lee: All right. Private spectacle.

Mr. McGovern: Objection.

The Court: Sustained.

Mr. Lee: Take the witness.

1605 *Recross Examination by Mr. McGovern.*

The Witness: I didn't meet Dave Taylor at any time on March 20th, 1953. I saw Eugene Taylor at about 4:00, 4:30 or thereabouts. We went by my

house first and then I directed him out to Hudson Tillman's house. We arrived at Hudson Tillan's house at about nine thirty, nine o'clock.

1606 My meeting with Eugene Taylor on that date was just by chance. He wanted to know where Hudson was at. He wanted to find Hudson Tillman.

Q. Did Mr. Austin say to you ever that if you didn't make a statement, he would arrest your wife?

A. He said—he didn't put it that way.

Q. What did he say to you about your wife?

A. He told me about my wife—

Q. What did he say?

1607 —being implicated in it. He said, "Paul, I know your wife sewed the masks used in this robbery. I know she also purchased the gloves." He went on to elaborate about other things she was in possession of with regard to this robbery. At that time one of the Officers came into the room and gave David Taylor a note from his wife, who was upstairs, who also had been implicated in this and—

Q. Did he tell you he was going to arrest your wife?

A. He said he was going to issue, they had a warrant ready for her arrest.

Q. Did he say he was going to take her into custody?

A. That was the impression I received.

1608 The Witness (continuing): No, he did not say I had better make the statement or he would arrest my wife. He didn't put it that way. He said, "You don't want your wife involved, do you Paul?" I said, "No." So he asked me, "Don't you want to make a statement as to what actually happened out there in the Stockyards?" I told him if I could get my wife from out of that statement which these other boys had made, that I would.

I had seen Mr. Gerber and I had asked him to rep-
1609 resent me. On that evening of March 27th, 1953, Mr. Austin said that the attorney—I asked the fellows in there and I asked them why didn't they do what the attorney told them to do, after he related these different incidents they were supposed to have told them. And Eugene had the card of Mr. Gerber and he tossed it on the desk. He says, "He is in jail. They locked him up." I looked at Mr. Austin and asked him was that so, and he said, "Yes, he is in jail for consorting with criminals." I believe he said my lawyer was in jail for consorting with criminals.

He had been hired by my family to handle some sort
1610 of civil case. For my mother. He didn't represent me, not in any criminal proceedings. He never made any appearance for me in any Courtroom on anything.

Mr. McGovern: That is all, Judge.

Mr. Lee: Nothing further, Judge. Step down, Paul.

(Witness excused.)

1611 (Whereupon the trial of this cause was adjourned until Tuesday, December 13, 1955, at the hour of 10:00 a.m.)

1612 Before Judge Holmgren and a Jury.
Tuesday, December 13, 1955, 10:00 a.m.
Court convened pursuant to adjournment.

Present: Mr. McGovern, Mr. Cooney and Mr. Lee:

WILLIAM P. GERBER, called as a witness on behalf of the defendant, having been first duly sworn, testified as follows:

Direct Examination by Mr. Lee.

The Witness: My name is William P. Gerber. I
1613 live at 880 North Lake Shore Drive, Chicago. I am an attorney at law. I have a license to practice in

the State of Illinois. I maintain an office at 33 North LaSalle Street.

On or about March 23rd, 1953, I was engaged as a
1614 lawyer for Paul Crump. I visited the Police Officials of the City of Chicago Police Department at the request of his mother, as best I can recollect.

At that time I saw Paul Crump and I spoke to him.
1615 I spoke to Lieutenant Pape, Lieutenant Frank Pape, in charge of the Robbery Detail in his office. Present were the defendant, Paul Crump, myself, Mrs. Crump, and several other Officers who were then attached to the Robbery Detail.

1616 I said to Lieutenant Pape, "I understand that you have Paul Crump in custody." He says, "I have him in my office." And Paul Crump was present. I says, "Do you have anything against him?" He didn't answer. And I says, "I am now going to ask you, Lieutenant Pape, if you have anything against Paul Crump, I want you to book him or charge him with a crime; or if you haven't got anything against him, I want him released." And he says, "I haven't got anything
1617 against him and he can go. Tell him not to leave Chicago." And he did, in fact, go that morning.

That took place at approximately 9:00 o'clock in the morning, on the morning of March 23rd, 1953, and Paul Crump was released from 11th and State Station about 11:00 o'clock that morning and returned to his home, as far as I know.

1618 Paul Crump was arrested on the prior Friday at about 11:00 o'clock in the evening, and I believe he was arrested somewhere in Morgan Park.

When I saw Crump on Monday, March 23rd, he had bad feet. That was one of the very reasons I went down to the Station to get him out for.

Mr. Cooney: I object to that. This attorney knows better than that.

The Court: The last part can go out.

1619 The Witness (continuing): He limped and his feet were swollen. He had a three-day growth. His hair was unruly. He looked like he had been in jail for three long days.

Mr. Lee: Do you want that stricken too?

Mr. Cooney: No, we would like that to stand.

Mr. Lee: Three days or more?

A. Or more.

Mr. Lee: Take the witness.

Cross Examination by Mr. Cooney.

The Witness: My specialty is criminal law. I have been working exclusively at criminal law for many years. I have been Crump's attorney for some time.

1620 No, I didn't represent him in this case. I represented him in the trial before Judge Leonard, which involved the same set of facts, but not in this case, Mr. Cooney.

Mr. Cooney: That is all.

(Witness excused.)

LONIE CRUMP, called as a witness on behalf of the defendant, having been first duly sworn, testified as follows:

Direct Examination by Mr. Lee.

1621 The Witness: My name is Lonie Crump. I live at 1231 West 110th Street. I am related to Paul Crump. He is my son.

I have lived in Chicago for 37 years. Yes, Paul was living at home with me prior to his incarceration. No, his father is not living. I have raised 13 children, six boys and—seven boys and six girls.

1622 Yes, I own my own home. I bought it. I have lived in the same place 37 years. I work for a living. I am a Matron at the Chicago Park District.

I was at the Police Station at 1121 South State Street on Monday, March 23rd, 1953. I went there with Mr. Gerber, Lawyer Gerber. I went there inquiring about Paul. Paul was released, and home when I got home.

1623 I did not see when he was first arrested on the previous Friday night. I was not present.

I know of the Tillman family; not too well. They live a couple of blocks from me. I live 110th Street and they live 111th Street. I was present the second time Paul was arrested. He was in bed sick the second time he was taken.

After Paul was released from 1121 South State Street on Monday he didn't go home with me. He was at home with a bad foot. He was sitting there
1624 when I got home. I couldn't get a doctor to come to the house. My daughter took him to the doctor on Wednesday. When he came back from the doctor I took his temperature. It was about 103 plus.

1625 On Thursday morning, March 26th, some policemen came to the house. They knocked on the front door and also the back door. By the time I got up and got my robe on, I went to the door, and they was coming in from the back and the front. They pushed right on in and asked me where was Paul and where was the money. I told them I didn't have any money and Paul was not in my part of the house, that he was downstairs, and he was in bed sick. So he ran all through my house, round and round.

I had another son there, John. They went in the bedroom where he was and had him get up, and they had guns drawed and everything. And I told them where Paul was at, downstairs on the bed. I rushed on down there.

When we got to the front door in the downstairs they taken their gun, one fellow did, and knocked the front door window glass out, and ran his hands through the door to open it from the inside. So they went in there, and I have a furnished room down there. They ran in the furnished room, ran in and thrown out a lot of stuff out there, inquiring about the money. They
1626 went in on where Paul was and yanked him out of bed. I had him propped up in bed drawing the fever. They got him up and had him dress, and picked a belt from my son-in-law and tied his hands behind him. They pushed him as they took him out. I begged and pleaded not to do that. As he come out of the basement he fell to his knees. That is when I pleaded and begged, "Please don't hurt him", because he was so sick.

Mr. Lee: Take the witness.

Mr. McGovern: No cross, thank you, ma'am.

Mr. Lee: Step down.

(Witness excused.)

Mr. Lee: The defense rests.

(Whereupon the defendant rested his case.)

(Discussion between Court and counsel out of the hearing of the jury, in the Courtroom, off the record.)

1627 Thereupon the People, further to maintain the issues on their part, introduced the following evidence in rebuttal, to wit:

SAMUEL ROSEN, called as a witness on behalf of the people, having been first duly sworn, testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Samuel Rosen. I live at 6050 North Rockwell, Chicago. I am the chief clerk

of the Criminal Court of Cook County. I have been the chief clerk for approximately five years.

1628 I have with me the official records of the Criminal Court of Cook County. I have an order with me for the impaneling of and the order impaneling the Grand Jury for the November term, 1946.

Q. May I see it? Can we mark this for the record, the people's exhibit 34. What page is it?

A. Seventy-six.

Q. What month?

A. 1946, November.

Q. What year?

A. 1946.

Q. That book shows the order for the impaneling of and the actual order impaneling the Grand Jury for the November term?

A. That is correct.

Mr. Cooney: At this time, Judge, to save the jury's time, I offer in evidence and ask it be made a part of the record, People's exhibit 34 for identification, and

1629 ask it be received in evidence as People's exhibit 34 in evidence, and have it written up by the court reporter as part of the record, rather than have it read to the jury at this time, Judge, if he agrees to it.

Mr. Lee: I can make it easier for you, I think.

The Court: Do you want to hear what he has to say?

Mr. Cooney: Surely.

(Whereupon Mr. Lee stated that the witness would testify to the following: A Grand Jury was impaneled, the Grand Jury returned an indictment against Paul Crump, alleging robbery while armed, Crump pleaded not guilty to that charge, there was a waiver of the jury by the defendant at that time in the year 1946, there was a trial

without a jury, a finding of guilty and judgment was entered on the finding.)

Mr. Cooney: There is more to it than that.

Mr. Lee: That ends it. That is the end.

1630 Mr. Cooney: Will you stipulate there was a Grand Jury impaneled for the month of November, 1953?

Mr. Lee: I certainly will.

Mr. Cooney: Thank you.

Mr. Lee: And every month since 1948 in the State of Illinois.

Mr. Cooney: Now, Mr. Rosen, have you any indictments returned by that Grand Jury against Paul Crump?

A. Yes, I have.

Q. How many indictments do you have returned against Paul Crump by that particular Grand Jury?

A. Three.

Mr. Lee: He is going far afield, Judge.

Mr. Cooney: I don't think so, Judge. I am entitled under the law. I have cases if the Court wants to see them.

Mr. Lee: 1946, Judge, the boy was a juvenile, 16 years of age.

Mr. McGovern: I object to that.

The Court: I would like to see your cases on that.

Mr. McGovern: Certainly, Judge.

Mr. Lee: 16 year old boy in 1946.

1631 Mr. Cooney: We are not apologizing for his age If he was old enough to go out with a gun, he was old enough—

Mr. Lee: Let him do it. They are running their case. We will run ours.

Mr. Cooney: How many indictments did you have returned by that particular Grand Jury against Paul Crump?

A. Three.

Q. Would you refer to them, please, by number.

A. 46-2507, 46-2508, 46-2509.

Q. Read them.

Mr. Lee: Oh, no, Judge. He is going far afield.

The Court: Not if there are three indictments.

Mr. Lee: He says he is going to read the three indictments.

The Court: Are you objecting?

Mr. Lee: I am.

The Court: Overruled.

The Witness: I am reading an indictment returned November term of 1946, Grand Jury number 228, General Indictment Number 46-2507. The People of the State of Illinois *versus* Roosevelt Delaney, et al., an indictment for robbery, etc. Foreman of the Grand
1632 Jury, Francis J. Duffy.

Count 1. The Grand Jurors chosen, selected and sworn, in and for the County of Cook in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that one Roosevelt Delaney, one Richard Price, one Paul Crump, one Frederick Davis and one James Edwards, late of the County of Cook, on the 14th day of November, in the year of Our Lord, one thousand nine hundred and forty-six in said County of Cook, in the State of Illinois, aforesaid, in and upon one Gregory Duerr then and there being, feloniously and violently did make an assault, and did then and there put said Gregory Duerr in bodily fear and danger of his life, and one topcoat of the value of seventy dollars, lawful money of the United States; one watch of the value of seventy dollars lawful money of the United States of America; one ring of the value of

fifty dollars lawful money of the United States of America; one compact of the value of twelve dollars lawful money of the United States of America; one wallet of the value of two dollars lawful money of the United States of America and four dollars in good
1633 and lawful money of the United States of America of the value of four dollars, of the money, personal goods and property of said Gregory Duerr from the person and against the will of said Gregory Duerr, then and there, feloniously and violently by force and intimidation did rob, steal, take and carry away; and the Grand Jurors aforesaid, upon their oath aforesaid, do further present that said Roosevelt Delaney, said Richard Price, said Paul Crump, said Frederick Davis and said James Edwards then and there were armed with a certain weapon, a pistol, contrary to the Statutes, and against the peace and dignity of the same People of the State of Illinois.

Mr. Cooney: Did you read all of count one in that indictment?

A. Yes, sir.

Q. All right, read count one of this indictment.

1634 Mr. Lee: There is another count there, Judge. I can see it contains more than one page.

The Court: Are you asking that they read count 2?

Mr. Lee: The jury should be informed of the contents in its entirety.

Mr. Cooney: We have no objection.

The Court: Read count two.

Mr. Lee: As long as he is going to do some reading, let him do it. If your Honor please, may I have an objection noted here at this time that there is no quarrel about the conviction of Crump in 1946 when he was 16 years of age, but I do quarrel with the effort

to show all the details here, when the only purpose of the whole thing is to show his conviction,—

Mr. Cooney: We are objecting.

Mr. Lee: —to go to his credibility.

Mr. Cooney: We are objecting. We have a right under the law to show this. Counsel is talking of stipulating to an indictment.

The Court: Shall we go in Chambers, gentlemen?

1635-1637 (Proceeding were had in Chambers, out of the hearing and presence of the jury.)

(Whereupon the following proceedings were had in the Courtroom in the presence and hearing of the jury.)

1638 The Court: Let the record show the objection of the defense is overruled.

Mr. Cooney: Mr. Rosen, will you read now the second indictment returned by the Grand Jury, November, in 1946, against Paul Crump.

Mr. Rosen: A Grand Jury No. 229, Indictment 46-2508, returned by the November, 1946, Grand Jury. People of the State of Illinois *versus* Roosevelt Delaney et al, indictment for robbery, etc. A True Bill, Francis J. Duffy, Foreman of the Grand Jury.

Count 1. Of the November term of the Criminal Court of Cook County, in said County and State, in the year of our Lord, one thousand nine hundred and forty-six. Upon their oaths present that one Roosevelt Delaney, one Richard Price, one Paul Crump, one Frederick Davis and one James Edwards, late of the County of Cook, on the 14th day of November in the year of Our Lord one thousand nine hundred and

1639 forty-six, in said County of Cook, in the State of Illinois, aforesaid in and upon one Fred Koch, then and there being, feloniously and violently did make an assault, and did then and there put said Fred

Koch in bodily fear and danger of his life, and one wrist watch of the value of fifty-seven dollars lawful money of the United States of America and eight dollars in good and lawful money of the United States of America of the value of eight dollars, of the money, personal goods and property of said Fred Koch, from the person and against the will of said Fred Koch, then and there, feloniously and violently by force and intimidation, did rob, steal, take and carry away; and the Grand Jurors aforesaid, upon their oaths, aforesaid, do further present that one Roosevelt Delaney, said Richard Price said Paul Crump, said Frederick Davis and said James Edwards then and there were armed with a dangerous weapon, to wit, a certain pistol; contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Q. Do you have with you now a third indictment returned by that Grand Jury against Paul Crump?

A. I have.

1640 Q. Would you read that?

A. This is Grand Jury number 230, Indictment Number 46-2509. Criminal Court of Cook County, November term, 1946. People of the State of Illinois *versus* Roosevelt Delaney, et al. Indictment for robbery, etc. A True Bill, Francis J. Duffy, Foreman of the Grand Jury. Of the November term of the Criminal Court of Cook County in said County and State, in the year of Our Lord, one thousand nine hundred and forty-six

Count 1. The Grand Jurors chosen, selected and sworn in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that one Roosevelt Delaney, one Frederick Davis, one James Edwards, one Richard Price and one Paul

Crump, late of the County of Cook, on the fourteenth day of November in the year of Our Lord, one thousand nine hundred and forty-six, in said County of Cook, in the State of Illinois, aforesaid, in and upon John J. Turchan, then and there being, feloniously and violently did make an assault, and did then and there put said John J. Turchan in bodily fear and danger of his life, and one hat of the value of five dollars
1641 lawful money of the United States of America; one wallet of the value of two dollars lawful money of the United States of America; one check and order for the payment of money, an instrument of writing, of the value of thirty-six dollars eighteen cents lawful money of the United States of America and two dollars in good lawful money of the United States of America, of the value of two dollars, of the money, personal goods and property of said John J. Turchan from the person and against the will of said John J. Turchan, then and there, feloniously and violently by force and intimidation, did rob, steal, take and carry away; and the Grand Jurors aforesaid upon their oaths aforesaid, do further present that said Roosevelt Delaney, said Frederick Davis, said James Edwards, said Richard Price and said Paul Crump then and there were armed with certain dangerous weapon, to wit, a certain pistol; contrary to the Statute, and against the peace and dignity of the same People of the State of Illinois.

Q. Have you the record of the pleas entered on December 2nd in those three indictments, as far as
1642 Paul Crump is concerned?

A. I have.

Q. Would you read those?

A. I am now reading from Clerk's Journal FF 76, on page 1.

"Monday, December 2, A.D. 1946. Present: Honorable Daniel A. Roberts, Judge of the Circuit Court. August A. Glosa, Deputy Clerk. Indictment number 46-2507, Roosevelt Delaney, Richard Price, Paul Crump, Frederick Davis, James Edwards, robbery etc. 46-2508, Roosevelt Delaney, Richard Price, Paul Crump, Frederick Davis, James Edwards, robbery etc. 46-2509, Roosevelt Delaney, Frederick Davis, James Edwards, Richard Price, Paul Crump, robbery etc. Parties present, Public Defender appointed as counsel for defendants Delaney, Price, Crump and Davis in each cause. Defendant Crump arraigned and enters a plea of not guilty to each indictment. Motion of defendant each cause continued to December 9th, 1946, with subpoenas."

Q. Have you a record of the trial and judgment entered before His Honor, Judge Daniel A. Roberts?

A. I have.

Q. Would you read that as far as the defendant
1643 Crump is concerned?

A. Now reading page 7:

"Monday, December 9th, A.D. 1946. Present: Daniel A. Roberts, Judge of the Circuit Court. August A. Glosa, Deputy Clerk. Indictment number 46-2507. Paul Crump, robbery etc. Parties present. Leave given Public Defender to withdraw as counsel for defendant Delaney. Plea of not guilty heretofore entered as to each defendant. Each defendant advised as to his rights to a trial by jury, now signs a jury waiver, testimony heard, age of the defendants, Delaney 17—"

Mr. Lee: That doesn't go in.

The Court: Just read it as to Crump.

Mr. Lee: What difference does it make?

The Witness: "Defendant Crump 16 years. Arguments heard. Finding of the Court, defendant is guilty of robbery while armed, in manner and form as charged in the indictment. Judgment of the Court is, each defendant is guilty of robbery while armed, in manner and form as charged in the indictment."

Mr. Lee: That is the end of that. You got the judgment.

Mr. Cooney: Have you read everything there?

A. Not yet.

1644 Mr. Lee: Not everything. He doesn't read everything.

The Witness: "Application for probation entered and continued to December 19th, 1946, as to each defendant."

Mr. Cooney: Was there a finding of guilty as to each of the indictments you have mentioned, the three indictments?

A. Yes, sir.

Q. Was judgment entered on each of those indictments?

A. Yes, sir.

Q. Continue reading as far as what happened before His Honor, Judge Daniel A. Roberts.

Mr. Lee: Objection. He has got all the elements in that he needs.

The Court: Step over here just a minute.

(Discussion between Court and counsel out of the hearing of the jury, in the Courtroom, off the record.)

The Court: The jury may have a five minute recess.

1645 (After a short recess.)

Mr. Cooney: May I proceed, Judge.

The Court: You may.

Mr. Cooney: Was there a judgment entered for a finding of guilty of armed robbery in indictment 42-2507?

A. Yes, there was.

Q. What date was that conviction for armed robbery entered?

A. On Thursday, December 19th, 1946.

Q. Was there a finding of guilty of armed robbery in indictment 46-2508 as to Paul Crump?

A. There was.

Q. Was judgment entered on the finding of guilty of armed robbery as to Paul Crump?

A. There was.

Q. On what date was judgment of guilty entered?

A. Thursday, December 19th, 1946.

Q. Was there also a finding of guilty as to Paul Crump in indictment 46-2509?

A. There was.

Q. And was judgment entered on the finding of
1646 guilty of armed robbery as to Crump?

A. It was.

Q. On what date?

A. On Thursday, December 19th, 1946, sir.

Mr. Cooney: You may cross examine.

Cross Examination by Mr. Lee.

The Witness: The three half sheets show the date
1647 of the arraignment. The date of the arraignment was December 2, 1946. It was the same in each case. December 19th was the date of judgment in each case.

Yes, the endorsements on the indictment showed a
1648 date of the filing of each one. November 25th, 1946 is the date on each one.

On the face of the indictment we have the dates set forth as to the occurrence of the alleged crime. In indictment 46-2507 the date is the 14th day of November, 1946. In indictment 46-2508 the date is the 14th
1649 day of November, 1946. And in indictment 46-2509 the date is the 14th day of November, 1946.

Mr. Lee: That is all.

Mr. Cooney: Step down. Thank you, sir, for coming up.

(Witness excused)

WILLIAM ETTEN, called as a witness on behalf of the people, having been first duly sworn, testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is William Etten. I am a Police Officer of the City of Chicago of the 15th Dis-
1650 trict. I have been a Police Officer for ten years. I was a Police Officer in the year of 1946.

I arrested the defendant, Paul Crump, on November 14th, 1946. I was in Judge Daniel A. Roberts' Courtroom December 19th, 1946, when he was convicted of three armed robberies. Yes, I see him in the Courtroom today. The gentleman in the gray suit.

Mr. Cooney: Cross examine.

Mr. McGovern: Indicating for the purpose of the record, the defendant, Paul Crump.

Mr. Lee: No questions.

(Witness excused)

1651 JOSEPH COLLINS, called as a witness on behalf of the people, having been first duly sworn, testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Joseph Collins. I live at 4330 Lake Park. I am the building manager at that address. I have been the building manager since October, 1952. At that time I had a tenant in the
1652 building that I knew as Byron Fox.

About five days before March 20th, 1953, I saw the man I knew as Byron Fox. It was at 4330 Lake Park,

the building I manage. I talked to him; I would say I was approximately three feet from him.

Q. At the time you saw him, five days, sir, before the 29th of March, 1953, did he have a growth on his chin; yes or no.

Mr. Lee: I object, Judge. I want to be heard on this.

The Court: You are always heard on everything

(Discussion between Court and counsel, out of the hearing of the jury, in the Courtroom.)

The Court: Is there an objection?

Mr. Lee: Yes, as to the date mentioned there, Judge. It has no bearing here and it isn't anything
1653 in contradiction of the defendant's testimony on direct, as to the date.

The Court: Overruled. He may answer.

The Witness (continuing): He had a growth on his chin. I call that a goatee. The goatee came from right here, right up underneath the chin, from the mouth (indicating).

I see the man I knew as Byron Fox in the Court-
1654 room today. The gentlemen with the gray suit.

Mr. Cooney: Indicating for the record the defendant, Paul Crump, in this case.

Mr. Lee: Are you through?

Mr. Cooney: Yes.

Cross Examination by Mr. Lee.

The Witness: I knew the defendant from October 11th, 1953, up until now. He was a tenant in the building. I never get too friendly with my tenants, I wouldn't say friendly with him
1655 I didn't have any disputes with him. I did not get aggravated with him because of the part he took relating to OPA administration. I never had a conver-

sation with him about excessive rents under OPA regulations.

I saw him on crutches and I saw him with with a
1656 cane. That was around November and December. He limped when he was using the cane. He did not have the cane at the time I saw him in March. No, he wasn't limping.

Q Did he drag his leg?

A. Before he started back to work.

Mr. Cooney: I object to the answer, started back to work.

The Court: Sustained.

Mr. Lee: Did you ever receive an order from the OPA pertaining to the rent on the apartment?

A. No, I didn't; never have, sir.

1657 Q. Was he at one time passing blanks of the OPA administration in your building?

A. I don't know anything about that.

Q. Didn't you have a quarrel with him in regard to that?

Mr. Cooney: Objection.

The Witness: No.

The Court: Sustained.

Mr. Lee: That is all.

Mr. Cooney: Thank you, Mr. Collins, for coming in.

(Witness excused)

(Whereupon the trial of this cause was recessed until Tuesday, December 13th, 1955, at the hour of 1:30 o'clock p.m.)

1658 Before Judge Holmgren and a jury.

Tuesday, December 13, 1955, 1:30 o'clock p.m.

Court convened pursuant to recess.

Present: Mr. McGovern, Mr. Cooney and Mr. Lee.

1659-1662 (Proceedings were had in chambers, out of the presence and hearing of the jury.)

(Whereupon the following proceedings were had in the presence and hearing of the jury in the Courtroom.)

MRS. L. ROBERT MELLIN, called as a witness on behalf of the people, having been first duly sworn, testified as follows:

1663 *Direct Examination by Mr. McGovern.*

The Witness: My name is Mrs. L. Robert Mellin. I live at 840 Castlewood Terrace, Chicago.

I was present in the State's Attorney's office, State's Attorney Gutknecht's office, on March 28th, 1953, at 1664 about the hour of 10:00 o'clock in the morning. At that time and place Mr. Austin, the First Assistant State's Attorney and Paul Crump, the defendant, were also present.

I heard Mr. Austin ask the defendant, Paul Crump, how he had been treated while he was in custody. He replied that he had been treated very well.

Mr. McGovern: That is all. You may cross examine.

Cross Examination by Mr. Lee.

The Witness: Judge Gutknecht called me on Saturday morning. He called me at home and said he was calling on representative citizens to witness a confession on some man that probably would be indicted, and 1665 the confession had already been given, and he wished a group of outstanding citizens to witness the confession being read. I received that invitation by telephone.

My husband is a physician. He knows Mr. Gut-

knecht. I first met Mr. Gutknecht when he was a Judge in the Municipal Court of Chicago.

1666 I was a member of the Board of Education for two years. I have been president of many civic and religious organizations in the city, and I have served wherever my community called. During the War I served in an O.C.T. office, and have offered whereever I could to help. I have never held any sort of position, I have never had one dollar from any politics or any civil position. I have sat twice on present volunteers.

The signing of the statement by Paul Crump was
1667 very quiet; very orderly. I wouldn't say it was too formal. It was like I am sitting here talking to you now. I would say it was perfunctory.

It was the first experience I ever had like that. I couldn't say if they signed with a pen with ink or the new style pens. I couldn't tell you that. It was a pen, but I couldn't say what type it was.

1668 Mr. Lee: I have nothing further.

(Witness excused)

GRAYDON MEGAN, called as a witness on behalf of the people, having been first duly sworn, testified as follows:

The Witness: I live at 726 Hutchinson Street, Chi-
1669 cago. I am a secretary with Inland Steel Company, Chicago. I have been with Inland Steel in Chicago since 1938.

I do not have any official connection in any respect whatsoever with the State's Attorney's office.

I was in Judge Gutknecht's office here in this building when the defendant, Paul Crump, was also present on March 28th, 1953, at about 10 o'clock in the morn-

ing. At that time and place I heard remarks made to him by Mr. Austin the then First Assistant State's Attorney. Yes, I did hear Mr. Austin ask Crump how he had been treated while he was in custody.
1670 Crump stated that he had not been mistreated and had no threats or promises made to him.

Mr. McGovern: You may cross examine.

Cross Examination by Mr. Lee.

The Witness: No, the last statement I made is not a direct quotation. It is more or less substantially what Crump said.

Yes, I have seen Crump several times since then. Yes, each time I saw him it was in a Courtroom.

No, my presence there at that time was not due to my acquaintance with Mr. Gutknecht, the State's
1671 Attorney. No, it was not due to my acquaintance with some person in authority on the second floor of this building.

Yes, I have a license to practice law. I am not Director of Inland Steel Company, but I am not actively engaged in practicing law. My office is that of Secretary. I did at one time maintain offices in the Loop as a lawyer. No, I did not specialize in the criminal field. It was a general practice.

No, I did not know Mrs. Mellin prior to that day.
1672 Yes, the transaction that we are talking about took place in the office of the State's Attorney. It was in the private office of Mr. Gutknecht. In the office there were two or more desks, chairs and a table.

Q. Now, was there any person particularly in charge at that time, acting as sort of chairman, shall we say?

A. Yes, I believe Mr. Austin would fit that descrip-
1673 tion.

Q. Was Mr. Gutknecht present?

A. Yes, he was.

Q. But Mr. Austin, now Judge Austin, of course, occupied the position of prominence at the table?

Mr. McGovern: I object to the form of the question.

The Court: Sustained.

Mr. Lee: What position at the table did Mr. Austin occupy?

The Witness: I believe that Mr. Austin was standing, at least when the proceedings started, Judge Gutknecht was sitting at his desk, and Mr. Austin was standing.

1674 I did sign people's exhibit 23 That is my signature. Yes, I did see the other persons sign it; Mrs. Mellen and Mr. Buckley and Mr. William A. Brams.

The occupation of William A. Brams is that of a physician, a licensed physician. He was introduced as Dr. Brams. Yes, on the basis of the formality of the introduction, I accepted his position in life and occupation as stated to me at that time.

Q. The mere statements made to you about Dr. Brams satisfied you with respect to his profession?

Mr. McGovern: Judge, I object. I believe that question has been answered.

1675 The Court: It has been answered. Sustained.

The Witness: At the time of the formal introduction I don't recall that anything was said at that time. I was simply introduced to him. No, he wasn't introduced as a personal physician of Mr. Gutknecht's.

I believe I was in the room two and one-half hours, approximately. I got there at 10:00 o'clock and I think it was over about 12:30.

Mr. Lee: There is nothing further, Judge.

(Witness excused)

Mr. McGovern: Judge Austin, please.

1676 RICHARD B. AUSTIN, called as a witness on behalf of the people, having been first duly sworn, testified as follows:

Direct Examination by Mr. Cooney.

The Witness: My name is Richard B. Austin. Yes, I am the same Richard B. Austin who testified here previously last Saturday.

I did take a statement from Paul Crump and Eugene Taylor during the month of March, 1953, on March 26th to be specific. At the time I took the statement from Paul Crump I did not say to him "If you tell me about this, I will see that you get five thousand
1677 dollar reward," or words to that effect. Neither I nor anybody in question did at that time, say to Paul Crump, "We are going to throw your wife in jail because she is involved, so you had better make a statement", or words to that effect. Never did I say, "Your lawyer, Mr. Gerber, is in jail for consorting with criminals", or words to that effect.

Q. Did you by inflections of your voice suggest answers to Crump?

A. I wouldn't know how to do that, Mr. Cooney.

Mr. Lee: The question was, did he do it; not as to knowledge or ability.

The Witness: I don't know how I could do that by inflection of my voice. I say I don't know how to do that.

Mr. Cooney: Did you rehearse Paul Crump before you had him make a statement?

Mr. Lee: Is that in regard to the 26th? I object.

The Court: Overruled. There was testimony he had gone over it before.

Mr. Cooney: On the 26th, now, sir, the first day.

A. At no time.

Q. On March 27th, 1953, you took another statement from Paul Crump, did you?

A. That's right.

1678 The Witness: I didn't rehearse him, but I told him prior to the time he made the statement the other three sitting in the room had made statements. I had taken statements from the other persons in the room. They were the two Taylor boys and, I forget the name of the third man who surrendered that night. It would be Riggins, Harold Riggins. At the time I took the statements from the Taylors and Riggins, Crump was not in the room.

Q. Incidentally, do you know when Tillman was first in custody of the police or authorities?

A. It was about—

Mr. Lee: Objection, Judge.

The Court: I take it it is introductory. I will let him answer.

1679 The Witness: It was around midnight, either just before or after; either late Wednesday night or early Thursday morning, 25th or 26th.

Mr. Cooney: How was he taken into custody, if you know?

A. With his—

Mr. Lee: I object to that, now, Judge.

The Court: Overruled.

The Witness: By—

Mr. Lee: Why I make the objection, Judge, has to do with the fact there has been nothing in the case before.

Mr. Cooney: I will withdraw the question at this point, Judge.

The Witness: All right.

The Court: All right. The jury are instructed to disregard it.

Mr. Cooney: Did you take a written statement from Hudson Tillman?

Mr. Lee: He couldn't take a written statement; it would be an oral statement.

Mr. Cooney: Withdraw the question, Judge.

Q. Did you at the time you took a statement from Paul Crump, tell Paul Crump the parts he had played
1680 in the robbery and murder and tell him to make a statement along those lines?

A. At no time.

Mr. Cooney: Cross examine.

Cross Examination by Mr. Lee.

Q. Judge, if you please, with respect to your statement relating to the subject of a reward, I now call your attention to your being asked questions and making answers in the Courtroom of His Honor, Frank Leonard, in the trial of this cause in June, 1953, and I ask you if you were asked this question and made this answer:

"Question: Did you say anything to me at all, Mr. Austin, on the phone, about a so-called amount of money Libby, McNeill and Libby were offering
1681 for the apprehension of anyone leading to and about the killing and robbery?

Answer: I recall no such question.

Question: Didn't you, as a matter of fact, tell me that Mr. Crump has an idea somehow that he might participate in this so-called five thousand dollar reward?

Answer: I told you that Mr. Crump had mentioned that to me and I told him that he would have to discuss that with his lawyer."

Were those question asked you and did you make make those answers?

Mr. McGovern: Objection, not impeachment.

The Court: Sustained.

Mr. McGovern: Move to strike the question.

The Court: Question stricken.

Mr. McGovern: Instruct the jury to disregard it.

The Court: The jury are instructed to disregard it.

1682 The Witness: The police detail attached to the State's Attorney's office were just other members of the State's Attorney's staff at the time I was. At the same time they were in the Police Department of the City of Chicago. Yes, it is my understanding they were paid by the City of Chicago. I assume they were responsible to a superior, being the Commissioner of Police.

Q. And as such responsibility to the Police Commissioner, they in turn would be responsible to the Mayor of the City of Chicago?

Mr. Cooney: I object, Your Honor.

The Court: Sustained.

The Witness: I knew what the police detail on the second floor of the building were and what they

1683 looked like. I never exercised any authority over the policemen themselves, if that is what you mean, Mr. Lee. No, and likewise, I never exercised any authority with the Police Department at 11th and State.

Q. So, if you concentrate your mind on police methods, I ask you, you have nothing whatever to do with police methods employed as to Crump; did you?

Mr. Cooney: I object. He is assuming something not in evidence.

The Court: Objection sustained.

Mr. McGovern: I object to the form of the question.

The Witness: Has there been a ruling?

The Court: I sustained the objection.

Q. Your duties as First Assistant State's Attorney, or in many years, as of that time, as First As-
1684 sistant State's Attorney, never took you to 11th and State Street to the police building?

A. I don't recall going down there during the time I was First Assistant. I may have, but I don't recall it at this time.

Q. Well, this particular of, 7, 8, 9, 10 days from March 20th to March 28th you didn't?

Mr. Cooney: I object to what he didn't. It is what he did, what was covered on direct examination.

The Court: Sustained.

The Witness: I have no recollections of going there—

The Court: I sustained the objection.

The Witness: Oh. My question to Crump was how he had been treated since he was in custody. I didn't specify any particular place, Mr. Lee.

Mr. Lee: Nothing further, Judge.

(Witness excused.)

1685 WILLIAM A. BRAMS, called as a witness on behalf of the people, having been first duly sworn, testified as follows:

Direct Examination by Mr. McGovern.

The Witness: My name is William A. Brams. B-r-a-m-s. I live at 2226 Pratt Avenue, Chicago. My profession is that of physician.

I attended Northwestern University Medical School. Yes, I received a degree from that school. I received
1686 the degree of Doctor of Medicine in 1912. I am licensed to practice medicine in the State of Illinois. I was so licensed in 1912. After my graduation from

medical school I interned at Cook County Hospital. I interned for 21 months.

1687-1689 (Whereupon the witness testified as to his war record, professional training, membership in various socities and to the number of medical articles he wrote.)

Yes, I was present in the State's Attorney's office of Judge Gutknecht, when the defendant, Paul Crump, was also present on the morning of March 28, 1953.

1690 I heard Mr. Crump being asked how he had been treated while he was in custody. I don't remember who it was by name, but I heard the question asked, yes. Crump said he was well treated.

On that same day I did perform a medical examination upon Paul Crump. Yes, he did have all of his clothes off.

I asked him if he had suffered any physical injuries or violence of any sort. He said no. And he had no complaints to make. Yes, I made an examination of

1691 his entire body. I looked specifically for marks of recent violence or physical injury, but I found none. I looked for areas of tenderness on the body of the defendant but did not find any.

Yes, at that time I did know Judge Gutknecht. Yes, at that time I was also Judge Gutknecht's physician.

I examined Crump, I felt his head, looked at all parts of his body, turned, asked him to turn around, and walked around him to see if there was any marks of recent injury or violence of any sort. Yes, I did touch his body.

Mr. McGovern: You may cross examine.

1692 *Cross Examination by Mr. Lee.*

The Witness: I touched his body with my hands. That is what I call palpation. I think Crump was told to strip. I don't think I told him to strip.

1693 No, I did not have any kind of physicians' instruments with me at that time. No, I wasn't told at the time I was notified to be a guest at that occasion that I was going to make a physical examination. I didn't have my kit with me.

No, I don't actively teach now. I am subject to 1694 calls. I did both surgery and medicine and food inspection when I was in the armed services in the First World War.

Q. You have made a study of psycho-somatic medicine?

A. I have not.

Q. You have made a study of psychoanalysis?

A. Analysis, you mean perhaps, not psycho.

Q. Psychoanalysis.

A. No, I have not.

Q. You have delved into it?

Mr. McGovern: I object to the form of the question.

The Court: Sustained on the form of the question.

Mr. Lee: Have you made a study of psychoanalysis?

A. I have no formal interest in or taken any formal courses in psychoanalysis.

1695 Q. Have an average interest in it, have you?

A. No.

Q. Have you ever been interested in it?

Mr. McGovern: Judge, I object.

The Court: Sustained.

The Witness: I don't know who told Crump to take his clothes off when I examined him. I don't know that I even told Crump that I was a physician. No, he didn't ask me to examine him.

It might be the first time in my professional career I performed a service that way, without a request.

Q. To the best of your recollection, it was the one and only time in your entire career?

Mr. McGovern: I object, having been answered.

The Court: Sustained. He said it might be.

Mr. Lee: When might there have been another occasion in your career, Doctor?

1696 A. When the so-called patient did not request me to examine him; is that your question?

Q. No. On an occasion such as this, where a man is in custody. You knew he was in custody at the time?

A. Yes.

Q. You knew he was not a free agent?

A. I am not versed in legal matters.

Q. Of course, you are versed in medical jurisprudence?

Mr. McGovern: I object, argument.

The Court: Sustained.

1697 The Witness: I am not well versed. I wouldn't consider myself qualified on such matters. I had a very rudimentary course in that, exactly 43 years ago, and none since.

Yes, there are state laws regulating my practice in the medical profession. Yes, a canon of ethics I abide by as a member of the associations I mentioned. I did not consider at that time that I might be taking undue liberty. It didn't even occur to me. I did it 1698 because I was asked to do it. Not by Crump.

I made no written memorandum of my findings. At the time I came I had no expectation of doing it or charging for it or receiving any compensation for it.

Mr. Lee: Nothing further.

(Witness excused.)

(Whereupon a discussion was had by Court and counsel; discussion between defense counsel and the defendant; discussion between defense counsel, Mr. Lee, and Assistant State's Attorney McGov-

ern; discussion by court and counsel; all out of the hearing of the jury, in the courtroom.)

Mr. McGovern: Your Honor, then, if the Court please, the State rests in rebuttal.

Whereupon the people rested their case in rebuttal.

1699 Whereupon the defendant, further to maintain the issues on his part, introduced the following evidence in sur-rebuttal, to wit:

PAUL CRUMP, the defendant, called as a witness in his own behalf, having been previously duly sworn and examined, resumed the stand and testified further, as follows:

Direct Examination by Mr. Lee.

The Witness: My name is Paul Crump. Yes, I am the defendant in this case. Yes, I heard the man Collins testify this morning. Yes, I knew Collins. He was the manager of the building I was living in. I

1700 was a tenant there. I came there in 1952, stayed till 1953, about July sometime. Yes, about six or seven months. I wasn't friendly with Collins. Yes, I had difficulties with him.

The difficulty I had with Mr. Collins had to do with the fact that I learned from the OPA Board—well, he was overcharging me rent, and the whole building there. I found out about it and was distributing blanks from the OPA administartion board to that effect, for the rest of the tenants and myself to collect the back

1701 rent, and was going to sue for back rent. He heard about me being in a position—

Mr. McGovern: I object; he can't do this.

The Court: Sustained.

The Witness: Yes, I was doing a service for the tenants there.

Yes, the record of my conviction had something to do with my assuming a different name. Because of my record. It, I found that—the fact that I had a record, on many occasions when I was looking for employ-
1702 ment, prevented me from getting a job. Yes, I would have something to do with my financial standing. That is also another reason I assumed the name, is to be able to establish money, some credit. I couldn't do so under my correct name, because it was always that
1703 I had a record. Then I would be very lucky to lend me any money, and I never could establish any credit because of that.

Mr. Lee: Nothing further, Judge. The defendant rests. Step down.

Mr. McGovern: Mr. Crump—

Mr. Lee: Oh, I beg your pardon.

Cross Examination by Mr. McGovern.

The Witness: Yes, I have used the name Byron Fox on occasions. On other occasions I used my name. I have used Byron Fox off and on ever since I came out of jail in 1950. Sometimes I would use the name Byron Fox, other times I would use the name Paul Crump.

Mr. McGovern: That is all.

(Witness excused)

1704 The Court: The defense rests?

Mr. Lee: The defense rests, Judge.

The Court: The State?

Mr. McGovern: The State rests, Your Honor.

(Whereupon both sides rested.)

The Court: The jury may take a recess.

(Whereupon the following proceedings were had out of the presence of the jury in the Courtroom.)

Mr. Lee: At the end of all the evidence the defendant makes a motion to direct the jury to find the defendant not guilty.

(Which motion was and is in words and figures as follows, to wit:)

State of Illinois,
County of Cook—ss.

IN THE CRIMINAL COURT OF COOK COUNTY

People)
vs.) No. 53-672
Paul Crump)

1705 MOTION FOR DIRECTED VERDICT AT END OF ALL THE EVIDENCE

Now comes Paul Crump, defendant in the above case, and moves the Court at the end of all the evidence to instruct the jury as follows:

"We, the jury, find the defendant not guilty."

.....
Attorney for Paul Crump

Stephen Lee
188 West Randolph Street
Chicago, Illinois
RAdolph 6-0710"

The Court: The motion is overruled.

But the Court denied said motion to instruct the jury, and refused to give said instruction to the jury; to which action of the court in denying said motion and refusing to give said instruction to the jury, the defendant, Paul Crump, by his counsel, then and there duly accepted.

(Whereupon Court and counsel retired to Chambers.)

1706 (The jury returned into open Court and the following proceedings were had.)

1706-1724 Opening Argument To The Jury By Mr. McGovern.

1724 Final Argument By Mr. Lee.

1727 In the allotted time I have I am going to try to do my best to help you analyze the evidence you have heard, and see if the reasonable doubt in existence over a period of three years has been melted away by this proceeding.

Mr. McGovern: Judge, I object to that period of three years. There is no evidence in this record.

The Court: No. The jury heard the evidence. And any statements that are made by counsel in argument, not backed up by the evidence, they have a right to disregard, and I will sustain the objection. This cause has only taken a week. I think we started to pick the jury a week ago last Monday. Sustain the objection on that.

1728-1731 (Mr. Lee continued his closing argument.)

The Sixth Amendment of the United States Constitution, which has the words there, to be confronted by witnesses against him and a corresponding provision of the Illinois Constitution, incorporated in the first Constitution of the State of Illinois, the right to meet the witnesses face to face. That is what we have been deprived of. He could have brought in Hudson Tillman; he could have brought in Eugene Taylor; but he didn't. He wants you jurors to eliminate presumption of innocence, reasonable doubt, burden of proof, all that, and on the basis of our four big vol-

1732 umes of utterances of a Negro boy—

Mr. McGovern: I object, if the Court please, though they are not in evidence, they are not utterances of the defendant. If he wants them to see it, I would do it right now.

The Court: Sustained. I instructed the jury to disregard any statements not backed up by the evidence, or disregard any documents not in evidence.

1735-1747 Argument by the defendant, Paul Crump.

I don't have anything else to say, but I just want you people to know that I have no argument with the law. I never have. I have did some wrong. I did it in 1946. I paid for it. All I am asking you people—

Mr. McGovern: We are going to ask, if this defendant wants to talk about wrong he did in 1946—

The Defendant: I am referring to the record.

1748 The Court: Sustained.

Mr. Lee: Let's close.

The Court: The Court will instruct the jury on how much, and what the purpose of that evidence was. Confine yourself to something else.

1749-1758 (Thereupon Mr. Lee resumed his argument to the jury.)

Reasonable doubt from the beginning, at a day when, on March 20, 1953, when there were screaming headlines at Libby, McNeill and Libby, when the Mayor of the City of Chicago, the final authority over the Police Commisioner and everybody else was after the Police Department, and don't you think, as this boy said a moment ago, that those persons at the Stockyards did not force them to view him, and they did not know it, they have a mirror system on the second floor here.

Mr. Cooney: I object to this speech we might fool this jury.

The Court: I am sustaining the objection. There is no evidence before this jury about any mirror system anywhere, and counsel will please refrain from

1759 mentioning anything not in evidence, and the jury are instructed to disregard it.

1760-1763 (Mr. Lee continued his closing argument.)

1764 Final Argument By Mr. Cooney:

May it please the Court, Mr. Lee, ladies and gentlemen; you have heard enough dramatics for the last two hours, I would like to talk some common sense to you. When we selected you on this jury we felt you were intelligent people, courageous people who could not be fooled by this dramatic exhibit that happens in

1765 every criminal case, and when we selected you on the jury, both Mr. McGovern and I believed you would follow the evidence and the law. We believed you then and I still believe you now.

You will never see it, whether it be in Hollywood or television or anyplace else, an act that was put on before you by these two right now, and I don't blame Mr. Lee for it at all. That's his job. He has to do something to emphasize the evidence and the facts; he can't just say nothing.

There are just a couple of thing I am going to answer, because if I tried to answer all the ridiculous things he said, we would be here forever. He said there has been a doubt prevailing here in the judiciary about him, Crump, for three years. There is no such doubt. You ladies and gentlemen know that we are limited, we are bound by rules of procedure and evidence. We have to do what this judge tells us. He has to see that the Supreme Court is going to be satisfied. We have to see that he gets a fair trial. We have to see that certain evidence cannot go in. We have to be careful and so does this judge. We are

1766 limited and bound because at the end, everything this lady has been writing down ends up in that volume, and no kidding about that, those are the utterances of Paul Crump, those four volumes, the same as this

lady is putting down now. The evidence that appears here is going to be looked at by somebody and in the end they will say not, is he guilty, not is there a doubt, but did the State toe the line, did they put in anything they should not have put in. Did that judge let them call witnesses whether they be from Alabama or Chicago, that should not be called to testify because of technical reasons?

They say, did the jury see the picture that might inflame them? Did the jury see the bloody picture of the body—and we did not want to put that in until finally it was insisted upon. And the end result is what the Supreme Court says.

He isn't kidding anybody when he talks about the
1767 higher judiciary, but the Supreme Court must look and say, yes, all told, he got a fair trial. That is all they say.

If there is anything unfair about that trial they send it back and they don't say there is a doubt, and nowhere will anybody say in this record, whether it be the Supreme Court or anybody else, that there is a doubt about this man's guilt, and if there is anything in the files let them show it to you now.

So don't be fooled by that dirty, rotten trick, and I don't hesitate to say it.

He will have you believe that Joe McGovern, who was in this case in the beginning, that he is framing an innocent man. I will ask you—and you saw him, and I may be prejudiced because I worked with him a couple of years—he was as solicitous of this defendant's rights and of this lawyer's rights, as any man could be, and if I start to spout I have good reason to because I can't see a man like him vilified in this dramatic way, that this man has conspired to frame an

innocent man. Don't believe it, and I don't think you do.

1768 And another example. He says, why don't they bring in Tillman, Taylor and Riggins. Where are they? Oh, that was unfair, because you know we can't tell this jury where they are. That record was here, though, and we can't show it to you. We can't show this to you and I would love to show it to you, and we will never show it to you. He isn't kidding anybody. I don't think you are fooled by him.

We can't bring in Tillman, we can't bring in the Taylor boys; we can't bring in Riggins, and they are not roaming any streets. Don't let them kid you. They are not roaming any streets. They are his friends—They are not roaming any streets.

1769 (Closing Argument Continued) It is typical in this building to try their cases three ways; if they have the evidence on their side the defendant will argue that evidence. If they have the law on their side they will argue the law, and if they have nothing, then the best thing they do is put the Police Department on trial, creating a false issue, put the Police Department on trial. I remind you, it is Crump that is on trial. It is his trial and not somebody elses, but they have gone a step further here. The Police Department is on trial; Dr. Brams is on trial; Joe Collins the landlord—that poor fellow is on trial. He's a no good liar because somebody said something about the OPS. Do you believe that?

1770-1773 (The argument continued.)

They say why don't they bring in all the people. Usually they say, if we don't have people around, why didn't they have a woman to look at him, because a woman would have been a person that wouldn't let

anything happen to him. I have heard that so many times—why wasn't a woman there? You hear that every time you turn around. Why wasn't there a reputable man from a bank, the steel mills or some place.

So now what happens? Somebody had enough foresight to get these persons, they did have a doctor there, they did have a businessman and they did have a
1774 lady, and you saw her, and now they scream. Well, they can't blow hot and cold. You're damned if you do and you're damned if you don't. You see how it is. And we still have to see that they have a fair trial, and we go through it day after day. We have to see that they get a fair trial. Just think about the trial that poor fellow Zukowski got. He was really treated nice, too, wasn't he?

1775-1783 (The argument continued.)

Now, we told you about the penalty. What's the reason for penalty in a case? I think there are two, and my opinions don't count, but I offer them to you. The purpose of penalty is to see that this person can-
1784 not kill anybody else. He has killed already. The purpose in addition to that is to let anybody else that wants to go out with a gun know ahead of time don't take that chance, because juries in Cook County, when they get an armed stickup man, and when they get an armed stickup man that kills a person in the course of a robbery, juries are going to give the death penalty, and that is what you have to do in this case. I can't tell you you have to do it, but you have to let anybody else know that have the same tendencies as Crump, that this community of people who are law-abiding are not going to stand for their ilk going around with guns, sticking up people and killing them for money.

Now, what is a proper case. A couple of gentlemen asked me that and I could not discuss it, and I still can't. A proper case is that type of case where there is a certain amount of viciousness, and if you saw there was a certain amount of viciousness about the case it might approach that point where you as jurors
1785 decide this is a proper case for the death penalty. Is it rotten enough and vicious enough?

When you see here in evidence that Crump and four others planned an armed robbery, they planned an armed robbery for a couple of weeks—it wasn't something on the spur of the moment—would you say then it is a proper case for the death penalty?

Would you say it is proper when they go out and get those rubber gloves to keep their prints from anybody and they get the masks and hoods and slip them so they can't be identified on the scene or when they are in the perpetration of their crime, would you say that makes it a proper case, or would you say it becomes a proper case when they get the guns, the shotgun and the .38 and this .32 and load them. Would you say it then becomes a proper case for the death penalty?

Or would you pause and say, well, wait a minute, maybe it's a proper case when they sawed this vicious instrument apart and they knew what they were going to do.

Would you say it was proper when they sawed that
1786 implement at that point. Does that make it a proper case. Would you say it is a proper case at that point or would you wait and say, well, it becomes a proper case when Crump goes into that cooler room with the club in his hand. Would you say it was a proper case then for the death penalty?

Would you say it's a proper case for the death penalty when he hit Rusch on the head with this weapon? And you felt it in your hands.

Would you say there is enough viciousness there when he hit him a couple of times, requiring six stitches in the head and a couple in the eye. Would you say that made a proper case, or would you wait until he got the people on their hands and knees with a plea to God for mercy—and I will not ask you to imagine yourselves in that position; but would you say it was that when he hit Mr. Baker on the head with that, it was then a proper case for the death penalty—five stitches and eight days in the hospital. Does that make a proper case?

Or would you say, well, wait now, he just hit Carl-
1787 son on the head. Does that make a proper case for the death penalty? Is it vicious enough for you? Is that rotten enough for you?

Or would you say that Henriksen, forty-one years on the job, a man of years, would you say Henriksen on his knees, with his hands over his head, getting hit twice, four or five stitches, eight days off the job; does that make it vicious enough? Is that rotten enough? Is that rotten enough, is that brutal enough? Is that a proper case? You have four men with their skulls split open. What do you want?

Or would the hardy ones on this jury say, well, there is a woman in there, kneeling on the floor, Mrs. Zutko. There is a woman. Does that gall you men? Does it gall you? Is it vicious enough. You have a woman on her knees, terrified. Is that vicious enough now for you? Imagine that woman. Is it vicious enough at that point? Is it a proper case at that point? Is it? And I can't tell you that it is. That's our law. That's the law that protects him;

1788 so if you forget for a moment that when he knocked them all unconscious, lying there with the blood running all over their bodies and faces, that he did not have enough; he has two guns and now he turns to the man who isn't here, Mr. Zukowski. You never knew him and I never knew him. You saw his son and he looks like a decent fellow.

Mr. Zukowski can't speak but his body speaks for us, his body tells us about the viciousness too. Would you say that the first bullet that went into his chest and went out the back, would you say that made it a proper case? Was that vicious enough for you? Does that make a proper case for the death penalty, or are you still hardy enough, some of you, to say what about the second bullet? Are you going to hesitate now? Is it the second bullet that makes it a proper case? The one that went in his ear and was dug out of his brain. You saw it. Does the second bullet make it a proper case or does somebody on this jury still feel that isn't vicious enough or not brutal enough or not rotten enough or lowdown enough. Do you still
1789 want to think of the third one that went into his nose and could not be taken out of his brain because it would ruin him for the wake. Does the third bullet in Mr. Zukowski make you want to come out of that jury box and do the same thing to him? Well, if it doesn't I made a big mistake.

I can't tell you what to do, ladies and gentlemen, but it is mighty clear what you have to do. You can't be ashamed of this verdict. There is always one part that you can remember in this case and that will be the part of the law and the evidence and a proper verdict. You will never see a man more vicious or rotten than sits right there, and you have to return a verdict finding him guilty and give him the penalty he de-

serves, and I don't hesitate to say it. You have to give him the death penalty, otherwise we might just as well let these robbers run wild.

The Court: Ladies and gentlemen of the jury: the Court is now about to instruct you on the law governing this case.

(Whereupon the Court instructed the jury as follows)

1790 The Court instructs the jury, in the language of the statute, that murder is the unlawful killing of a human being, in the peace of the people, with malice aforethought, either express or implied. The unlawful killing may be perpetrated by shooting or any other of the various forms of means by which human nature may be overcome, and death thereby occasioned.

Express malice is that deliberate intention unlawfully to take the life of a fellow creature, which is manifested by external circumstances capable of proof. Malice shall be implied when no considerable provocation appears, or when all the circumstances of the killing show an abandoned and malignant heart.

1791 The Court instructs the jury that if you are satisfied by the evidence in this case, beyond a reasonable doubt, that the defendant entered into a conspiracy with others to commit robbery and that in pursuance of said conspiracy, the said defendant was armed with a revolver to consummate said conspiracy, and that some act or acts were performed by the said defendant toward the consummation of said conspiracy and that in pursuance of the common design, the defendant, or one of those acting in concert with him, while in the act of prosecuting the roberry, killed the deceased in this case, in manner and form as charged in the indictment, then all persons engaged in such

conspiracy are guilty of murder, regardless of whether the person firing the shot had the specific intent to kill the deceased.

1792 The Court instructs the jury, as a matter of law, that in this case to constitute the crime of murder, it is not necessary for the State to show that it was, or may have been the original intent of the defendant, or one of them, to kill the deceased, Theodore Zukowski. It is sufficient if the jury believes from the evidence beyond a reasonable doubt that the defendant combined with others to do an unlawful act, such as to rob the Libby, McNeill and Libby Company, and that the deceased was killed by the defendant in the attempt to execute such purpose.

1793 The Court instructs the jury, as a matter of law, that malice is not confined to ill-will toward an individual but is intended to denote an action flowing from any wicked and corrupt motive—a thing done with a wicked mind, when the act has been attended with such circumstances as evince plain indications of a heart regardless of social duty and fatally bent on mischief. Hence, malice is implied from any deliberate or cruel acts against another, however sudden, which shows an abandoned and malignant heart; and if the jury should find from the evidence, beyond a reasonable doubt, that the defendant in this case committed a deliberate and cruel assault upon the deceased, Theodore Zukowski, however sudden, which showed an abandoned and malignant heart, then the jury would be warranted in finding that he committed such an assault with malice, within the meaning of the law.

1794 The Court instructs the jury, that as a matter of law, if a person is killed by a defendant in the carrying out or encouraging of a felony, the law implies malice, and it is murder.

The Court further instructs the jury that under the laws of the State of Illinois, the crime of robbery is a felony.

1795 The law presumes the defendant innocent of the crime charged against and such presumption of innocence is not a mere idle form of law which the jury at their pleasure may disregard or set aside, but it is a substantial part of the law of the land to the full benefit of which the defendant is entitled at your hands; the defendant is entitled to the presumption of innocence through all the stages of the trial and during the consideration of all of the evideace by the jury after they have been instructed by the Court and until they determine from a consideration of all the evidence that the guilt of the defendant has been established beyond a reasonable doubt.

1796 The Court instructs the jury that the burden of proving the defendant's guilt beyond a reasonable doubt is upon the State and at no time during the trial does the burden of proof shift to the defendant. Under the law the defendant is not required to prove anything and any defense interposed by the defendant is sufficient if it raises in your minds as jurors a reasonable doubt of the guilt of the defendant.

1797 The jury are the sole judges of the credibility of the witnesses. Your verdict will not necessarily be determined by the number of witnesses testifying for either side. You may take into consideration the number of witnesses testifying in support of and against any fact or state of facts the opportunities of the several witnesses for knowing the things about which they testify, their conduct and demeanor while testifying; their age, discretion and experience; their bias or lack of bias; there interest, if any, in the result of the trial;

the probability or improbability of the truth of their several statements; the relation which they bear to either side and the extent to which any witness or contradicted or corroborated by any other credible evidence, if at all, and any evidence that tends to shed light on his or her credibility.

The same tests hereinbefore given are to be applied to the testimony given by the defendant. You have no right to disregard the testimony of the defendant simply because he is accused of crime.

Any evidence which has been received and afterwards stricken out by the defendant is to be entirely disregarded by you.

In arriving at your verdict you are confined in your
1798 consideration to the evidence in the case, the arguments of counsel based thereon and the instructions by the Court.

It is your right and duty to determine the facts from the evidence and it is further your duty to apply the law given to you by the Court in these instructions.

1799 It is the duty of the jury to consider all the evidence which the Court has admitted as competent for their consideration, and they have no right to disregard the evidence of any admissions or confessions which the Court has permitted them to hear. The jury are the exclusive judges of the credibility of the confessions and the weight which should be given them as proof. They shall take into consideration all the circumstances and evidence in regard to the making of the confession in determining its truth or falsity. Whether the confessions are true or false, or partly true and partly false, is a question for the jury to determine. It is for the jury to consider and weigh the confessions and give them such credit as they may be entitled to in the judgment of the jury.

1800 The jury are instructed, as a matter of law, that it is not necessary for the fact that the crime charged in the indictment has been committed by someone, to be established, beyond a reasonable doubt, by evidence other than the confessions. While the fact that the crime charged in the indictment has been committed by someone may not be proved by the confessions alone, the confessions may be considered in connection with other facts and circumstances admitted in evidence, to establish the fact that the crime charged in the indictment has been committed by someone, and it is sufficient if other facts and circumstances in evidence so fully corroborate the confessions as to show the commission of the offense charged in the indictment beyond a reasonable doubt.

1801 The Court instructs the jury that there has been introduced in evidence what is termed in law as a confession.

A confession is competent evidence and must be considered by you. However, in determining the truth or falsity of said confession, or the statements contained therein, or any part thereof, you have the right to consider whether any influence was brought to bear upon the defendant in the making of such confession, and in determining whether any influence was brought to bear upon him, you may consider whether or not any threats were made, any force or violence used upon the defendant, whether any promises of immunity or any other benefits accruing to the defendant were made, which may have induced him to make such confession and if you find that such confession was made because the defendant was influenced by threats of violence of any kind, then you may wholly disregard such confession.

1802 It is the duty of the jury to consider all the evidence which this Court has admitted as competent for their consideration, and they have no right to disregard the evidence of the admissions or confessions which the Court has permitted them to hear. The jury are the exclusive judges of the credibility of the confessions and the weight which should be given them as proof. They shall take into consideration all the circumstances in evidence in regard to the making of the confessions in determining their truth or falsity. Whether the confessions are true or false, or partly true and partly false, is a question for the jury to determine. It is for the jury to consider and weigh the confessions and give such credit as the confessions may be entitled to in the judgment of the jury.

1803 The Court instructs the jury that in determining whether or not the defendant has been identified as the person on who committed the offense charged in the indictment if any such offense was committed you must consider all the testimony in the case both that for the prosecution and that for the defendant; considering the means of identification; the circumstances under which he was identified; the opportunity for identifying the said defendant; the description of his apparel as stated by the witnesses; and the probabilities or improbabilities that it was the defendant—and, if after so judging and weighing the testimony, you are satisfied beyond all reasonable doubt that the defendant has been correctly identified as the person who committed the offense as charged in the indictment, it is your duty to find the defendant guilty.

1804 The Court instructs the jury, as a matter of law, that in this State one accused and on trial charged with the commission of a crime may testify, in his own

behalf or not, as he pleases. You are instructed that when a defendant does testify in his own behalf, then you have no right to disregard his testimony merely because he is accused of crime; that when he does so testify he at once becomes the same as any other witness, and his credibility is to be tested by and subjected to the same tests as are legally applied to any other witnesses, and in determining the degree of credibility that shall be accorded to his testimony the jury has a right to take into consideration the fact that he is interested in the result of the prosecution, as well as his demeanor and conduct upon the witness stand; and the jury may also take into consideration the fact, if such is the fact, that he has been corroborated or contradicted by credible evidence.

1805 The Court instructs the jury, in the language of the statute, that no persons will be disqualified as a witness in any criminal case by reason of his having been convicted of any crimes; but such convictions may be shown for the purpose of affecting his credibility.

1806 The Court instructs the jury that they should not allow themselves to be prejudiced against the defendant merely because he is charged with murder. Every defendant charged with murder, or with any other criminal offense, is entitled to a fair, calm and dispassionate deliberation of his case by a jury, free from passion and prejudice, and uninfluenced by matters and opinions not in evidence, but as fairly as if the defendant were charged with any other crime.

1807 You are instructed that the jury has no right to disregard the testimony of the defendant through mere caprice, or on the ground alone that he is the defendant and stands charged with the commission of a crime. The law presumes the defendant to be innocent, and

it is your duty to act upon such presumption while considering his evidence, together with all the other evidence; and it is the duty of the jury to fairly and impartially consider his testimony together with all the other testimony in the case.

1808 The Court further instructs the jury that it is the duty of the jury to consider the prisoner's case as if he were a white man, for the law is the same as to both white and colored men, there being no distinction in principles in respect to color.

1809 The jury are instructed that it is not proper for counsel in a case to state anything in argument bearing upon a question of fact and claim to be within his personal knowledge or which may have been stated to him by others not witnesses in this case. You are, therefore, instructed to disregard such statements, if any have been made, and to make up your verdict upon the evidence actually given in the case, without placing any reliance upon or giving any consideration to any statements of counsel not supported by the evidence.

In determining any of the questions of fact presented in this case, you should be governed solely by the evidence introduced before you.

1810 In giving these instructions, it is the intention of the Court simply to instruct the jury as to the law applicable to the case, but it is not the intention of the Court in the least degree to give the jury any opinion as to whether or not the defendant is guilty of the offense charged in the indictment, or to express any opinion as to the weight or sufficiency of the testimony, or as to the credibility of any witness.

If you have heard any evidence in this case which the Court afterward struck out, you are to wholly disregard such evidence in arriving at your verdict.

From anything the Court has said or done in this case you are not to understand that he has any opinion as to the facts appearing in evidence. It is the duty and province of the jury to weigh the evidence which has been introduced in the case and to determine what fact, or facts, such evidence establishes and, having done so, to apply to such facts the law as stated in these instructions.

1811 The jury are the sole judges of the facts in the case, the credibility of the witnesses, and the weight to be given to their testimony. And, in anything that the Court may have said throughout the trial, or anything that the Court may say in the instructions, the Court has not intended and does not now intend to express any opinion upon the facts of the case, upon the credibility of the witnesses, or the weight to be given to their testimony.

1812 The Court further instructs you that under your oaths you should not allow sympathy or prejudice to influence you in the least in finding your verdict in this case. In your deliberations you should not be influenced by anything other than the law and the evidence in the case.

1813 The Court further instructs the jury that these instructions are given and should be considered together as one entire series, and each instruction should be considered in connection with all instructions bearing upon the same subject.

If, in putting in the evidence, or in argument, counsel for either party has made any statement not based upon the evidence, or if counsel made any statement which he afterwards withdrew, or which the Court afterwards struck out, the jury should wholly disregard such statements.

1814 As to the form of their verdict, the Court instructs the jury that if from the evidence they find the defendant guilty of murder, in their verdict they will say:

"We, the jury find the defendant, Paul Crump, guilty of murder, in manner and form as charged in the indictment, and we fix his punishment at death."

or

"We, the jury, find the defendant, Paul Crump, guilty of murder, in manner and form as charged in the indictment, and we fix his punishment at imprisonment in the penitentiary for the term of his natural life. And we further find from the evidence that the said defendant, Paul Crump, is now about the age of ——— years."

or

"We, the jury, find the defendant, Paul Crump, guilty of murder, in manner and form as charged in the indictment, and we fix his punishment at imprisonment in the penitentiary for a term of ——— years.

1815 (inserting in the blank space any number of years not less than fourteen.)

"And we further find from the evidence that the said defendant, Paul Crump, is now about the age of ——— years."

inserting in the blank the number of years that you find the age of the defendant to be, from the evidence.

or

If the jury find the defendant not guilty, in their verdict they will say:

"We, the jury, find the defendant, Paul Crump, not guilty."

1816 (The following instructions submitted by the defendant were refused. Which instructions appears in words and figures as follows.)

The Court instructs the jury that a confession or a statement made by the defendant may be admitted into evidence if it is voluntarily made. You are further instructed that if you find from the evidence that if there was any force either physical or mental, that was used upon the defendant to get him to make such statement or confession, then you may wholly disregard the confession, and not give it any weight whatever, if so desire.

It is for you to determine from the evidence surrounding the procuring of the confession whether it was made voluntarily or not. (Refused.)

1817 The indictment is a formal written charge by which the defendant is placed upon trial. Of itself, the indictment is not any evidence of guilt of the defendant. Every defendant is presumed to be innocent. The presumption of innocence in this case means that the law presumes that the defendant did not commit the act or acts for which he is being tried and this presumption continues throughout the trial in such a way that unless and until it is overcome by evidence showing the guilt of the defendant, beyond a reasonable doubt, you should find the defendant not guilty.

The State is required to prove beyond every reasonable doubt that the defendant is guilty as charged before you can convict him.

If you are convinced from all the evidence in the case beyond a reasonable doubt that the defendant is guilty as charged in the indictment, it is your duty to find the defendant guilty. If, on the other hand, the State has established a probability, very strong one,

that the charge is more likely to be true than untrue as to the defendant, and no more, or if the evidence establishes a mere suspicion of guilt, however great, and no more, as to the defendant, or if you can reconcile the evidence in this case, both with the guilt and
1818 with the innocence of the defendant, or if you have a reasonable doubt from the whole of the evidence as to the guilt of the defendant, it is your duty to find the defendant not guilty. (Refused.)

1819 The Court instructs the jury that when an arrest is made without a warrant, the person arrested shall, without unnecessary delay, be taken before the nearest magistrate. (Refused.)

1820 The Court instructs the jury, that while admissions are competent to be given in evidence against a party who makes them, they are often of an inconclusive and unsatisfactory character, depending very much upon the circumstances under which they were made. It is the province of the jury to decide the weight to be given to admissions, and in so doing they have a right to take into consideration the circumstances under which they were made and the relation and condition of the parties to such admission, and the ability of witnesses to recollect such admissions as they were originally made. (Refused.)

1821 Now, your first duty upon retiring will be to elect one from your number to act as foreman and when you have arrived at your verdict it will be the duty of the foreman to first sign his name and after his name, the word "foreman", and then it will be the duty of the eleven other jurors to sign the verdict. After the foreman has signed with his name, and the other jurors have signed, you will notify the sheriff that such verdict has been reached.

After the sheriffs have been sworn, you may now retire to deliberate on your verdict.

(Sheriffs sworn to take charge of the jury.)

Thereupon the jury retired in the custody of the sheriffs, with the Court's charge in writing, to consider their verdict.

1822 The Court: Let the record show that of the instructions given, Instructions Nos. 1, 2, 3, 4, 5, 9, 10, 13, 19, 20, 21, 22 and 23 were given at the instance of the State.

Let the record further show that of the given instructions Nos. 6, 7, 8, 11, 12, 14, 15, 16, 17 and 18 were given at the instance of the defendant.

Let the record further show refused instructions numbered 1, 2, 3 and 4 were offered by the defendant and refused.

Any further motions, gentlemen?

Mr. Lee: The defendant objects to each and every instruction requested by the State and given by the Court.

The Court: Let the record so show.

Mr. Lee: The defendant likewise at this time objects to certain argument made by the State's Attorney in concluding, as being inflammatory, and also that the weapon, one of the exhibits, was left on the podium.

The Court: The record may so show.

1823 After deliberation the jury returned to the bar of the Court and the foreman handed to the clerk the verdict signed by the foreman and all the jurors, saying:

"We, the jury, find the defendant, Paul Crump, guilty of murder, in manner and form as charged in the indictment, and we fix his punishment at death."

1824 (Whereupon counsel for the defendant made a motion to set aside the verdict and grant the defendant a new trial, and to permit the defendant, by his attorney, to file a motion in writing setting forth the grounds for such motion, which motion was entered and continued for hearing to Tuesday, December 20, 1955.)

1825 Before Judge Holmgren.

Tuesday, December 20, 1955, 10:00 a.m.

Present: Mr. McGovern and

Mr. Lee.

Mr. Lee filed a motion for a directed verdict at the end of the State's evidence; and at the close of all the evidence. Said motions were filed *nunc pro tunc*

1826 as of the 12th and 13th of December. (Which motions have been inserted in and made a part of the record at the close of the State's evidence, page 1410; and at the close of all the evidence, page 1704.)

(Discussion between defendant and defense counsel.)

Mr. Lee informed the Court that he had a motion in writing for a new trial.

1827 "State of Illinois,
County of Cook—ss:

In the Criminal Court of Cook County

The People of the State of Illinois	)	
vs.	)	53-672
Paul Crump	)	

MOTION FOR NEW TRIAL.

Paul Crump, Defendant, by Stephen Lee, his attorney, moves the Court to set aside the verdict of the jury and grant a new trial for reasons as follows:

1. An order by the Court overruling a preliminary motion to suppress statements of the defendant as involuntarily made was error, and an abuse of discretion in the trial Judge.

2. The Court erred in admitting in evidence People's Exhibits 22 and 23, purported admissions and confessions of Defendant on the basis of said statements being obtained by duress and brutality and inconsistency with one another.

3. Statements and utterances of co-defendants in
1828 said People's Exhibits 22 and 23 were allowed over objections of Defendant and motions to strike.

4. People's Exhibit 22, a purported joint statement, was void by reason of interruption in the taking thereof, by reason of acknowledged deficiency, lack of signature and failure of proof of presentation to Defendant for signature.

5. Reception of People's Exhibits 22 and 23 in evidence violated Defendant's rights under Amendments Five and Six of the United States Constitution and corresponding provisions of the Illinois Constitution: Section 9 and 10 of Article II.

6. Evidence of a public spectacle incident to the execution of Defendant's signature to People's Exhibit 23 nullified the genuineness of said document.

7. The record is silent as to proof of submission of People's Exhibit 22 to Defendant as to correctness as well as for signature.

8. The State's Attorney failed to summon for testimony in support of the Indictment proper police officials who arrested Defendant and investigated the alleged crime.

9. The State's Attorney failed to call as witnesses one-third of the 48 witnesses numbered in the List provided Defendant on or about September 20, 1955, to the prejudice of the rights of the Defendant.

10. The Court erred in admitting a showing of People's Exhibits 1 and 2, maps, and admitting in evidence People's Exhibits 3, 10, 13, and all other photographs.

11. People's Exhibits 4 and 5, a star and cap respectively of the deceased, and People's Exhibit 29, a picture of the deceased, served no purpose in proof of the issues and were prejudicial to the Defendant.

12. There was error in admitting People's Exhibit 9, a fedora hat obviously not fitting the Defendant's head, 16 and 16-A, rubber gloves not connected with the Defendant or the issues.

13. The Court erred in admitting in evidence against the Defendant People's Exhibit 6, a Spanish revolver, People's Exhibit 8, a short barrel revolver, Exhibits 12, 12-A, a shot gun barrel and tape, respectively, and People's Exhibits 24, 25, 26, 31, 32, 28, bullets, cartridges, cartridge cases, shell fragments, trigger assembly for shot gun, People's Exhibit 33, a pellet from the clothing of the deceased, allegedly and not theretofore mentioned.

14. All of People's Exhibits, numbered 1 to 33, inclusive, were erroneously received in evidence against the Defendant.

15. Negative testimony of a fire arms expert was erroneously admitted in evidence, as was opinion evidence of said fire arms identification expert.

16. The Defendant was prejudiced in his right to a fair trial by testimony of a negative character as to the weapon; a 38 caliber revolver, of one Rusch.

17. There was no direct or circumstantial evidence of a conspiracy as a predicate for the introduction of exhibits and testimony of the subject of conspiracy.

18. The Court erroneously entertained statements of the Defendant as a substitute for direct or circumstantial evidence to support introduction of evidence
1831 of conspiracy.

19. The prosecution failed to substantiate its opening statement with reference to what the evidence would show as to conspiracy.

20. Reception of testimony of identification of the voice of the Defendant under circumstances violative of Defendant's rights under the Fifth Amendment of the United States Constitution and Section 10 of Article II of the Illinois Constitution was error.

21. The Defendant was denied a fair trial by the unproved statement of the State's Attorney in opening to the jury that the State expected the evidence to show a conspiracy of the Defendant with co-defendants named in the Indictment.

22. The Court erred in failing to strike the testimony of the coroner's physician in its entirety for failure of proper identification of the body of the deceased.

23. The Court erred in admitting evidence of bullets not shown to be in condition as of March 20, 1953, the date alleged in the indictment.

24. The prosecution's cross-examination of the
1832 defendant was unfair, unlawful and improper.

25. The Defendant was prejudiced by denial of reception in evidence of Defendant's Exhibits 1 and 2, pencil drawings as visual aids to proof of brutality.

26. The Court erred in giving instructions offered by the People of conspiracy in the absence of evidence

of a conspiracy, exclusive of statements of the Defendant as insufficient predicate therefor.

27. The Court erred in giving the numbered instructions for the People.

28. The Court erred in denying instructions offered by the Defendant and marking said offered instructions "Refused".

29. The verdict of the jury was the result of inflammatory argument of the prosecution at the close, argument based on weapons in evidence as exhibits and not connected with the Defendant by evidence, direct or circumstantial, and based only on speculation and conjecture from alleged statements of the Defendant.

30. Paragraph 743 of Chapter 38, adhered to by the prosecution in selection of the jury, was twisted and
1833 diverted in arguments to the jury beyond the scope of the Statute.

31. The verdict of the jury was contrary to law.

32. The verdict of the jury was contrary to the evidence.

33. The verdict of the jury was the result of inflammatory and prejudicial argument in closing arguments of the prosecution.

34. The Court erred in overruling motions of the Defendant at the end of the State's case and at the end of all the evidence for a directed verdict of not guilty.

35. The Defendant was not proved guilty beyond a reasonable doubt.

36. The corpus delicti was not proved beyond a reasonable doubt.

37. The Court erred in reception of three convictions of the defendant on the same date when the Defendant was 16 years of age in violation of the Stat-

ute: Chapter 38, Paragraph 34, Ill. Rev. Stat. 1955 on credibility.

.....

Attorney for Defendant

Stephen Lee
188 West Randolph Street
Chicago Illinois Tel. Ra 6 0710"

1834 (After argument by counsel for the Defendant and counsel for the State.)

The Court: The motion for a new trial will be overruled. Do you have any further motions?

Mr. Lee: Motion in arrest of judgment. I am presenting it to the Clerk.

(Which motion was and is in words and figures as follows, to wit:)

"State of Illinois,
County of Cook—ss:

IN THE CRIMINAL COURT OF COOK COUNTY

The People of the State of Illinois	)	
vs.	)	53-672
Paul Crump	)	

MOTION IN ARREST OF JUDGMENT

The Defendant, Paul Crump, a motion for new trial having been entered and overruled, now moves the Court to enter an order in arrest of judgment and sentence.

.....

Attorney for Defendant"

1835 The Court: Motion in arrest of judgment overruled. There will be a judgment on the verdict. Will you bring up the defendant.

(Defendant brought before the bench.)

The judgment of the Court is this:

This day come the said People by John Gutknecht, State's Attorney, and the said defendant as well in his own proper person as by his counsel also comes.

And now neither the said defendant nor his counsel say anything further why the judgment of the Court should not now be pronounced against him on the verdict of guilty heretofore entered and the finding of the Court rendered to the Indictment in this cause.

Thereupon it is considered, order and adjudged by the Court that the said Paul Crump is guilty of said crime of murder in manner and form as charged in the indictment in this cause on the said verdict of guilty and finding of guilty and that he be taken from the bar of this Court to the Common Jail of Cook County from whence he came and be confined in said Jail in safe and secure custody until the 16th day of March
1836 A. D. in the year of our Lord, 1956, and that on that day the said defendant, Paul Crump, be by the Sheriff of Cook County according to law, within the walls of said jail or in a yard or enclosure adjoining the same, there put to death by having caused to pass through the body of said defendant, Paul Crump, a current of electricity of sufficient intensity to cause death and the application and continuance of such current through the body of said defendant, Paul Crump, until such defendant is dead, and the Sheriff is hereby required and commanded to take the body of said Paul Crump and confine him in the said Common Jail of Cook County in such safe and secure custody until the (16) day of March, A. D. 1956, and that on that day

the said defendant, Paul Crump, be by the Sheriff, according to law, within the walls of said jail or in a yard or enclosure adjoining the same, there put to death by having caused to pass through the body of said defendant, Paul Crump, a current of electricity of sufficient intensity to cause death and the application and continuance of such current through the body of said defendant until such defendant is dead.

1837 And, Paul Crump, may God have mercy on your soul.

(Whereupon Mr. Lee, attorney for the defendant, presented an order to the Court for the preparation of the transcript, which order was entered by the Court.)

The Court: What about this other? What about this other case?

Mr. McGovern: With reference to 53-671, charging this defendant with the crime of robbery, motion of State to strike off with leave to reinstate.

The Court: All right.

Which was all of the evidence offered or received on the trial of this cause, arguments of counsel to the Jury, instructions of the Court, the verdict of the Jury, the motions for a new trial and arrest of judgment, judgment of the Court and sentence.

1838 Certificate of Official Shorthand Reporters, Criminal Court, Cook County, Illinois.

1839-1840 Certificate of Trial Court Judge.

Respectfully submitted,

GEORGE N. LEIGHTON,
Attorney for plaintiff in error.

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IN THE

Supreme Court of the United States

OCTOBER TERM, A.D. 1957.

No. 913

PAUL CRUMP,

Petitioner,

vs.

THE PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

Petition For Writ of Certiorari To The Supreme Court of Illinois.

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(Petitioner has furnished nine copies of the printed record used in the Illinois Court.)

IN THE

Supreme Court of the United States

OCTOBER TERM, A.D. 1957.

No.

PAUL CRUMP,

Petitioner.

VS.

THE PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

Petition For Writ of Certiorari
To The Supreme Court of Illinois.

To the Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States:

Your petitioner, Paul Crump, states that he is presently under sentence of death imposed by the Criminal Court of Cook County (Chicago) Illinois, and prays that a Writ of Certiorari issue to the Supreme Court of Illinois to review the judgment of that court affirming his conviction. In support thereof, petitioner shows as follows:

A.

REFERENCE TO REPORTS OF OPINIONS.

The opinion of the Supreme Court of Illinois affirming petitioner's present sentence is reported at 12 Ill. 2d 402, 147 N.E. 2d 76. (Appendix 1a)

A prior opinion of the Illinois Supreme Court reversing a previous sentence imposed upon petitioner for the same alleged offense, appears at 5 Ill. 2d 251, 125 N.E. 2d 615 (Appendix 9a).

B.

STATEMENT OF JURISDICTIONAL GROUNDS.

The proposed opinion of the Supreme Court of Illinois respecting petitioner's instant conviction was rendered on November 20, 1957. Petitions for rehearing were filed, and the opinion, as modified on the denial of said petitions, was delivered on January 15, 1958 on which date judgment was entered. On January 17, 1958 execution was stayed indefinitely pending disposition of this petition for certiorari.

Jurisdiction herein is invoked pursuant to Title 28 U. S. C. A. Section 1257.

C.

QUESTIONS PRESENTED FOR REVIEW.

1. Is the due process clause of the Fourteenth Amendment violated by a state practice of admitting into evidence a defendant's purported confession, provided only that the confession is corroborated by extrinsic evidence, and without regard to the manner in which it may have been obtained?

2. Is the due process clause of the Fourteenth Amendment violated by admission into evidence of a purported confession obtained by repeatedly arresting a suspect and imprisoning him for protracted periods without charge or process; and further by subverting his right to counsel until such time as the one confined shall have confessed to the commission of a criminal offense?

3. May a state, within the limitations of the due process clause of the Fourteenth Amendment:

(a) Challenge a Defendant on trial before the jury to take a lie detector test; and

(b) Call upon the jury to come out of the jury box and shoot the Defendant?

4. May a state within the limitations of the Fourteenth Amendment to the Constitution introduce into evidence a confession which is the product of the following facts and circumstances:

(a) The defendant is arrested without process shortly following a crime; is questioned concerning it for three days at two different police stations (during which peri-

od he claims to be brutally mistreated) and is then released by the police without any charge being placed against him.

(b) Two days thereafter, the defendant, being ill and fevered, is confined to his bed at home with injections of sulpha drugs and penicillin.

(c) At 4:30 A.M., ten police officers raid the defendant's home, arrest him in his bedroom and take him into custody, without warrant or process.

(d) The defendant is thereupon continuously questioned for nine hours, whereby is elicited a statement which the prosecutors considered untrue.

(e) The defendant is held overnight incommunicado.

(f) On the following day the defendant is questioned periodically without being fed for about twelve hours, culminating in his confession.

(g) The defendant, during his detention, is held at three different police stations in the custody, at various times, of some forty police officers.

(h) The defendant is a Negro laborer of partial high school education.

(i) The defendant is interrogated for two days within the same building which houses all of the criminal courts of the county, but is not brought before a magistrate until after he has confessed.

(j) The prosecutor and police persist in their questioning notwithstanding the defendant's attorney advising him in their presence to make no statement.

(k) The defendant is interrogated while handcuffed and claims to be brutally mistreated, which claim is denied by the testimony of approximately forty-five police officers and prosecutors who had been instrumental in his detention and questioning.

Or is the totality of the above circumstances beyond the limits of permissive state action so as not to be consonant with a defendant's right to due process of law?

D.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.

(a) Amendment Fourteen to the Constitution of the United States, provides in its relevant parts:

> "• • • nor shall any state deprive any person of life, liberty, or property without due process of law • • •."

(b) Section 7 of Division VI of the Criminal Code of Illinois (Chapter 38, Section 660 Illinois Revised Statutes 1957) providing as follows:

> "When an arrest is made without a warrant, either by an officer or a private person, the person arrested shall, without unnecessary delay, be taken before the nearest magistrate in the county, who will hear the case, for examination, and the prisoner shall be examined and dealt with as in cases of arrests upon warrant."

E.

STATEMENT OF THE CASE.

On March 20, 1953, in the course of a robbery at a Chicago business concern, one of the plant guards was killed. The robbery was committed by a group of five men.

On the same night, Petitioner, a Negro laborer, was arrested at the home of an acquaintance. He was not sought or suspected at that time, and his arrest was of the type characterized by the Illinois Supreme Court as "accidental". (Appendix 2a)

Petitioner was first held for three days of questioning at two police stations. He was confined and interrogated by a number of police officers. He contended, and police denied, that he was brutally mistreated during this period. Throughout his detention, he was "booked open"—i.e., no charges were placed against him (Abst. 140). Three days after being arrested, he was released by the police.

The Petitioner complained that during his first detention, he was kicked (Abst. 17), suspended by his back and wrists (Abst. 22) until he became unconscious (Abst. 24), questioned continuously, and finally released with the warning that he could anticipate a repeat performance in the event that he did not find for the police another man for whom they were looking (Abst. 25).

The Petitioner returned to his home and became ill (Abst. 26). He was feverish, and took medication. Two days after his release, he went to a physician. The phy-

sician testified that Petitioner had a temperature of 103.6° and that he treated Petitioner by injecting penicillin twice and giving other medications (Abst. 563).

That evening, Petitioner retired in his home. At about 4:30 on the following morning, March 26, 1953, (Abst. 76) a squad of ten police officers (Abst. 77) raided his home and arrested him. They searched the house for money, and, in the words of his wife, "were tearing up the place" (Abst. 69). Petitioner was taken to the Criminal Court Building in Chicago (Abst. 73).

Petitioner arrived at the Criminal Court Building at 5:00 A.M. in the custody of the arresting officers. He testified, and the police denied, that he was beaten in the parking lot on arrival at the building and was treated brutally until an Assistant State's Attorney arrived between 6:30 and 7:00 A.M. (Abst. 29, 30). Petitioner was questioned continuously over a period of two days. He testified that this questioning was marked by extreme brutality, which testimony was denied by all of the police involved, some forty in number. The Petitioner was not taken before any of the numerous judges in the building. At about 1:45 P.M. on March 26, he was questioned before a court reporter by two State's Attorneys and five policemen (Abst. 192).

[At this interrogation, the State contends that he made a statement admitting participation in the robbery but denied knowledge of a shooting (Abst. 476). The decision of which review is sought, suggests that Petitioner at this time fully confessed his commission of a murder (Appendix 2a, 3a). The opinion is not supported by the record in this regard.

[Similarly, the opinion states (Appendix 3a) that "*of considerable significance* is the fact that" the gun was found

at the place designated in the March 26 statement (Abst. 486). Actually, the gun was found about eight blocks from the place thus designated (Abst. 439). Moreover, the second statement, in which by the language of the Illinois Court, "minor discrepancies were ironed out" so that the statement "constituted the final draft of what was agreed to be the truth", recites that the Petitioner's first story of the disposal of the guns was *untrue*; that the guns had been thrown away by someone else out of the Petitioner's presence and that the Petitioner had only hearsay knowledge of the event (Abst. 516).

[We invite this Court's attention to the difference between record and opinion statements of fact, owing to the Court below having characterized discrepancies between the March 26, 1:45 P.M. statement and the March 27, 10:30 P.M. statement as "minor discrepancies". In fact, the discrepancies amounted to the difference between the denial and admission that Petitioner was personally responsible for the killing.]

At 6:00 or 6:30 P.M. on March 26, Petitioner was lodged in a police lockup for the night (Abst. 163). Petitioner's captors admitted they were ordered to hold him incommunicado (Abst. 165). The following morning, March 27, the Petitioner was again taken to the Criminal Court Building (Abst. 170) where he was again questioned. At about noon on the 27th Petitioner asked to speak with his lawyer, and the lawyer was called (Abst. 180). In the presence of the chief prosecutor, the Petitioner's attorney instructed him to say nothing unless the lawyer were present (Abst. 181).

Notwithstanding this advice of counsel, the interrogation continued, culminating in Petitioner's confession at 10:30 P.M. on March 27. There is no denial that the Petitioner was not fed on that date (Abst. 31).

On the following morning, Saturday, March 28, 1953, a confession signing ceremony was staged in the State's Attorney's office. Five "civic leaders" were present by invitation of the State's Attorney to witness the Petitioner's capitulation. These witnesses were: Dr. Brams, personal physician to the State's Attorney of Cook County, (Abst. 125); John E. Owens, attorney, a friend of the Chief of the State's Attorney's Police (Abst. 205) and former student and long-time acquaintance of the State's Attorney. Owens parenthetically expressed admiration for the State's Attorney—"I like his civic way of handling things" (Abst. 208). Jeremiah Buckley, attorney, was an acquaintance of Owens (Abst. 205). He did not testify. Graydon Megan was an acquaintance of Owens (Abst. 105) and a friend of the Chairman of the Board of the company which was robbed (Abst. 108). Megan was also associated with the "Chicago Crime Commission" (Abst. 200), a civic group which intends to stamp out crime. Finally, Mrs. L. Robert Mellin, the ultimate civic leader ("I was endorsed by *all* the leading clubs and civic groups in Chicago," Abst. 191) further identified herself as a long-time friend of the State's Attorney and was a former member of the Board of Education (Abst. 191), of which the chairman of the board of the company that was robbed had been president (Abst. 108).

None of the civic leader witnesses was present during any part of the interrogation of the Petitioner. They were invited only to see him sign the confession. Each of them testified that in response to a question from the Prosecutor, the Petitioner stated that he had been well-treated (Abst. 122, 104, 204). Civic leader and Mrs. L. Robert Mellin reminisced that the *group* of which Petitioner was a member chorused that they had had wonderful treatment—"Those were their words" (Abst. 190).

Civic leader Brams attended because the State's Attorney stated that he wanted a group of responsible witnesses to see "how a court procedure is conducted in the open, on a fair and square basis" (Abst. 124). In the latter connection, we invite this Court's attention to the fact that the signing rites occurred on March 28, that the confession was made on March 27 at 10:30 P.M., and that Dr. Brams was invited to attend *several days before* the 28th (Abst. 123-124).

Although his name and address were known to the Prosecutor, who had previously telephoned him (Abst. 181), Petitioner's attorney was neither invited to the signing ceremony nor advised as to what was taking place.

Petitioner's Motion to Suppress the Confessions was overruled, and they were introduced into evidence against him at the trial.

In the course of the trial, the Prosecutor challenged the Petitioner to take a lie detector test (Abst. 541) and suggested to the jury that the testimony relative to the bullets fired into the body of the decedent should make the jury "want to come out of that jury box and do the same thing to (Petitioner)" (Abst. 633).

The jury found the Petitioner guilty of murder and fixed his punishment at death (Abst. 646).

F.

THE RAISING OF THE FEDERAL QUESTIONS.

At the outset of the trial, the Petitioner moved that his confession be suppressed on the ground that it was the product of duress, brutality and coercion by the Police (Abst. 4). The Motion was denied (Abst. 4). Petitioner requested that the jury be charged that the police had a duty to take him before the nearest magistrate without unnecessary delay. This request was refused (Abst. 645). Petitioner was also refused a requested charge that the jury might evaluate the trustworthiness of an admission in the light of the circumstances under which it was made (Abst. 645). Petitioner was further refused a requested charge that a confession was evidence if voluntarily made, and that if the jury found it to be involuntary, they might wholly disregard it, and that it was for the jury to determine from the evidence whether the confession was voluntarily made (Abst. 644).

Instead, the jury was instructed that it *must* consider the confession as evidence; that it might consider the question of coercion as bearing upon the *truthfulness* of the confession, and might wholly disregard the confession if it considered it untrue. At the same time, the Court instructed the jury that it had no right to disregard the confessions, and that the jurors were the sole judges of the credibility of the confessions, whose truthfulness was for them to determine (Abst. 638-639).

Upon conviction, Petitioner moved for a new trial, complaining that the Court erred in admitting the confessions in that they were the product of duress and brutality, and

that the reception of the confessions into evidence violated the rights of the Petitioner under the Constitution of the United States (Abst. 648). The motion also assigned error in wrongful instruction to the jury, in unlawful cross examination of the Petitioner, and in inflammatory and prejudicial closing argument (Abst. 650-651). The motion was denied.

Petitioner was sentenced to death (Abst. 652-653).

On appeal to the Supreme Court of Illinois, Petitioner contended that the admission of the confession denied him due process of law within the meaning of the Fourteenth Amendment to the Constitution of the United States. The Illinois Supreme Court, by its original opinion, specifically addressed itself to the Petitioner's federal constitutional claim. (Appendix 2a) Reviewing the facts, the opinion of that Court examines the statements contained within the confession itself. The Court observed that it is "of considerable significance" the police found the weapon at the place designated by Petitioner's confession and that "of more than passing relevance" is the fact that the Petitioner, within the confession, admitted ownership of a hat, mask and gloves found at the scene of the crime. The opinion notes that more than fifty police officers and other State's witnesses testified that the Petitioner had not been struck or abused (Appendix 5a), and that in the presence of "civic leaders" Petitioner stated that he had received "wonderful treatment" (Appendix 4a). A reading of the opinion reveals that the Court considered the confession to have been corroborated by extrinsic circumstances, and was admissible for that reason. The opinion does not pass upon Petitioner's claim of coercion.

The opinion of the Court does not mention the challenging of the Petitioner to a lie detector examination, and suggests that inflammatory argument was permissible here because Petitioner's counsel had made an "unfair argument" that the length of time that Petitioner's case had been pending raised an inference of reasonable doubt as to his guilt.

Petitions for Rehearing were filed, challenging the propriety of admitting a confession merely because it was corroborated and without regard to its involuntary character. Attention was called to the recent decisions in *Mallory* v. *United States*, 354 U.S. 449; 1 L. Ed. 2d, 1479; 77 S. Ct. 1356; and *Fikes* v. *Alabama*, 352 U.S. 191, 1 L. Ed. 2d, 246; 77 S. Ct. 281. The Court was again asked to hold that the admission the Petitioner's confession violated, *inter alia*, his federal constitutional right to due process of law (Record 18, p. 9), and to pass upon those of Petitioner's claims which it had theretofore ignored (Record 14, 16). Rehearing was denied (Record 19) and, with minor modifications not here material, the original opinion was adopted.

G.

PROCEEDINGS IN FEDERAL COURTS.

No proceedings have been had in any Federal Court.

H.

ARGUMENT.

The holding of the Illinois Court in this case that the admissibility of a confession is governed solely by the truthfulness of that confession without regard to whether that confession was the product of coercion, should not be permitted to stand. It means, in effect, that defendants in criminal cases may be denied due process in this regard without limitation, if the resulting confession is corroborated so that it may be considered to reflect accurately Petitioner's guilt of the offense charged.

This doctrine has long been repudiated by this Court in its consideration of the due process requirement of the Fourteenth Amendment. In *Lisenba* v. *California*, 314 U.S. 219, 236; 86 L. Ed. 166; 62 S. Ct. 280, the Court said:

> "The aim of the requirement of due process is not to exclude presumptively false evidence, but to prevent fundamental unfairness in the use of evidence, whether true or false."

The principle was articulated with unmistakable clarity in *Brown* v. *Mississippi*, 297 U.S. 278; 80 L. Ed. 682; 56 S. Ct. 461 (1936) and has been reiterated as recently as last year in *Fikes* v. *Alabama*, 352 U.S. 191; 1 L. Ed. 2d 246; 77 S. Ct. 281.

In the instant case, the trial court instructed the jury that the question of coercion was relevant only to the issue of the *reliability* of the confession (Abst. 638-639). The highest Court of Illinois has certified the propriety of the instruction and the consequent denial of Petitioner's rights to due process, by holding that since the confession

was factually reliable, it became, on that basis, admissible, all without reference to the manner in which it was obtained.

Prior to the instant case, the policy of the State of Illinois toward police interrogations of suspects had been expressed in *People* v. *Hall*, 413 Ill. 615; 110 N.E. 2d 249, wherein the Illinois Supreme Court held that a confession was admissible if voluntary and inadmissible if coerced. In the *Hall* case, however, the Illinois Court rejected the concept that illegal detention rendered a confession inadmissible, notwithstanding the Illinois Statute, cited at Section D of this Petition, is not significantly different from Rule 5A of the Federal Rules of Criminal Procedure, requiring immediate production before a magistrate of a prisoner arrested without process. The *Hall* case articulated, as the policy of this State, that coerced confessions should be excluded primarily because they were unreliable. The Illinois Court observed (413 Ill. 615, 624; 110 N.E. 2d 249, 254:)

> "A voluntary confession • • • is the highest type of evidence—an involuntary confession obtained by brutality or coercion is wholly unreliable and is the most flagrant violation of the principles of freedom and justice • • • But the courts, too, must enforce the law against confessed criminals so long as that may be done without encroaching upon the fundamental principles of freedom and justice. Questioning suspects is indispensible in law enforcement • • • "

However, to hold, as Illinois does, that coerced confessions are inadmissible because they are unreliable, a court must be prepared to hold, as a logical corollary, that a factually reliable confession must be admitted into evidence though obtained by coercive means. This is precisely the distorted result which has been reached in the case now before your Honors. The police of Illinois are

thus practically invited to treat and mistreat suspects as they will, provided only that the resulting confession can be corroborated.

To avoid holding that unlawful detention might be coercive, the Illinois Court has evolved a doctrine of "accidental arrest" (Appendix 2a). So far as we can determine from the opinion which we ask your Honors to review, an "accidental arrest" is an arrest which does not culminate in a confession. This situation may be resolved by means of a re-arrest which, should it produce a confession, becomes a non-accidental arrest. The Supreme Court of Illinois does not delineate in its opinion the number of accidental arrests which it will countenance in any particular case before it will hold that police officers have violated a suspect's right to due process of law. For aught it appears, there is no limitation upon the number of accidental arrests to be allowed, for until a confession is extracted, a conviction cannot ensue of which the suspect-victim can complain upon appeal. Should he then complain, it is a sufficient answer under the present holding of the Illinois Court that his confession has been corroborated. Thus, neither the innocent nor the guilty can complain effectively under the doctrine of "accidental arrest". It is of incidental interest that the Supreme Court of Illinois did not use the term "unlawful arrest". We can only assume from this, that the doctrine of accidental arrest will hereafter supplant in theory as it has in fact, the law regarding unlawful arrest.

As a consequence of such holdings, citizens of Illinois have grown almost to accept as their lot in life the possibility of being detained for days by the police, without being charged and without the possibility of redress. The practice of arresting suspects for general interrogation—"accidental arrests"—has become so widespread as di-

rectly to threaten the liberty of every citizen of this State, and so notorious as to have become the subject of the lead editorial of Chicago's second largest newspaper on March 11, 1958. The editorial, reprinted at Page 29a of the Appendix, shows the result of a survey conducted by the American Civil Liberties Union, disclosing that during 1956, an average of 250 persons per month were held incommunicado and without warrant for two or more days by the police of the City of Chicago alone. The alarm expressed by the editorial indicates that the figures did not improve in 1957.

Nor is the alarm confined to journalists. It has become a matter of concern to all thoughtful citizens of this jurisdiction, both that the police arrogate to themselves the power to determine who shall be at large and who shall be confined, and that the Courts do not see fit to curb these unlawful practices. At Page 33a of the Appendix, we have reprinted a news story from the Chicago Sun Times of March 29, 1958 showing that the Federal Grand Jury has undertaken an investigation of the widespread civil rights violations by the Chicago Police Department. From this account, it appears that an inspection of the records of one court alone shows 16,000 documented cases of unlawful arrest by the Chicago Police during 1956, and that the total number of such arrests "probably is three or four times as high" (Appendix 34a). Thus, citizens of Illinois are free to walk the streets or sleep in their homes by sufferance of the police. This freedom, however, hangs in a delicate balance. The Chicago policeman revokes such privileges whenever their continued exercise becomes inconvenient to him, as occurs sixteen thousand or more times annually.

In this aspect, the plight of the Petitioner differed from that of his nameless unlawfully imprisoned brothers of March, 1953, only in that he was subjected to the inter-

rogative techniques of forty different policemen. Reinforcements, observers, and prosecutors brought to fifty the throng interested in obtaining a confession from Petitioner.

Five of the observers were "civic leaders", individuals of lofty ideals and limited experience in these matters. Their pious function was to spray gentility upon a signing ceremony intended to screen whatever had gone before. An invitation was extended to one of the "civic leaders" *to attend the signing ceremony days prior to the time that Crump actually made a confession,* (Abst. 124) demonstrating the prosecutor's disdain for Petitioner's ability to withstand the interrogative techniques to be employed.

That the police granted Petitioner's request to see his attorney invites the conclusion that this action was merely another manifestation of the self-confidence which had impelled invitations to the signing of a confession by a prisoner who was even then maintaining his innocence. The attorney's advice to the Petitioner, "Say nothing," delivered in the presence of his captors, was excellent advice in theory, but impossible of execution. The incident serves to demonstrate that the prosecuting authorities of Illinois are merely more subtle than those of Alabama in their denial of the right to counsel. *Fikes* v. *Alabama,* 352 U.S. 191; 1 L. Ed 2d 246; 77 S. Ct. 281. Surely there can be no difference between refusing access to counsel, as was done in *Fikes,* and permitting, but then subverting, a visit by counsel, as was done in Petitioner's case. For immediately upon the departure of Petitioner's counsel, effective steps were taken to assure that his advice could not be followed.

This Court has held that the due process clause invalidates a conviction of a prisoner not represented by counsel "where the circumstances show that his rights

could not have been fairly protected without counsel." *Pennsylvania* v. *Claudy*, 350 U.S. 116, 118; 100 L. Ed. 126, 130; 76 S. Ct. 223. Surely, if a defendant is permitted counsel only after the prosecutors have used him as they wish, his right to counsel is a shadowy right indeed.

To term both of Petitioner's "confessions" voluntary, although they were highly contradictory, is to fly in the face of reason. If the first "confession" had been "voluntary", it would almost surely, by the reasoning of the Illinois Courts, have been reliable. The fact that the prosecutors felt impelled to obtain a second confession, even more "voluntary" and "reliable" than the first, presents a situation highly reminiscent of that disclosed in *Chambers* v. *Florida*, 309 U.S. 227; 84 L. Ed. 716. It seems inconceivable that the Petitioner's confession was so "voluntary" that he insisted on giving it at 10:30 P.M. and was unable to wait until the following morning to condemn himself. The conclusion is irresistible that the Petitioner confessed in the hope of avoiding any more of the "wonderful treatment" that had so impressed Mrs. Mellin.

Upon his confession, rewards were swift in coming in the form of a change of captors and environment. Petitioner had theretofore been lodged overnight in a police station (Abst. 167), by a remarkable coincidence the same in which he had been held during his prior "accidental" detention (Abst. 139). Having confessed, and with a signing ceremony scheduled for the following morning, he found himself lodged not in a common cell, but in the witness quarters of the County Jail (Abst. 38). The prosecutors deny that this change of accommodations was made in response to the Petitioner's contention that having confessed, it was only fair that he should not again be remanded to the police for more "wonderful treatment"; but the change is not otherwise explained.

In connection with Petitioner's admission to the County Jail, the medical report disclosed a "recent abrasion" (Abst. 189) and that petitioner complained of numbness and burning of his hands (Abst. 190).

We would remind your Honors that *no jury has ever passed upon Petitioner's claim of coercion.* The inquiry of the jury was limited to the truth or falsity of the confession. Thus, the jury was instructed that if the confession were coerced, that was one element they might take into consideration in determining its truth or falsity (Abst. 638-639). Throughout the proceedings against the Petitioner, it has been taken for granted that coercion is immaterial so long as the confession is reliable.

The Illinois view of the requirements of the due process clause, is at war with the holding of this Court that no man "can be allowed to stand condemned by methods which flout constitutional requirements of due process of law." *Haley* v. *Ohio*, 332 U.S. 596, 601; 92 L. Ed. 224, 229. And we suggest that Petitioner's case would be an appropriate one for this Court to "take with a grain of salt", as in *Haley*, the police claim of "wonderful treatment", since that claim is contradicted by every circumstance in the record.

The Illinois doctrine notwithstanding, the due process clause of the Fourteenth Amendment requires something more than corroboration of a confession. As expressed by this Court, the Federal Constitution requires "that the forfeiture of the lives, liberties, or property of people accused of crime can only follow if procedural safeguards of due process have been obeyed," which requirement is based upon "knowledge of the historical truth that the rights and liberties of people accused of crime could not

be safely entrusted to secret inquisitorial processes." *Chambers* v. *Florida*, 309 U.S. 227, 237; 84 L. Ed. 716, 722.

If the Illinois Courts are to be permitted to ignore this doctrine, as they did in passing upon the Petitioner's fate, the basic rights and liberties of all of the people of this State must suffer and wither in swift and direct consequence. In Petitioner's case, the Illinois Court has gone so far as to establish the precedent that the *greater* the number of policemen who handle a prisoner and then deny maltreatment, the less tenable is a claim of coercion.

The Supreme Court of Illinois, in Petitioner's case, has deliberately turned its back upon Petitioner's constitutional outcry with implied observations that Petitioner deserved no better than he got. Thereby, the Illinois Court has demonstrated its willingness to suspend the application of constitutional guarantees, particularly in those cases in which it is dealing with a "confessed criminal".

With his confession, Petitioner's status was altered from that of a presumptively innocent suspect, to that of a "confessed criminal", as a confessor is defined in Illinois (*People* v. *Hall*, 413 Ill. 615, 624; 110 N.E. 2d 249, 25). The difference was real, and ultimately proved determinative of Petitioner's fate.

When Petitioner became a "confessed criminal" instead of a mere defendant, the prosecutor felt privileged to invite the jury to "come out of that jury box" and to fire guns at Petitioner (Abst. 633); and felt privileged to challenge Petitioner in the presence of the jury, to take a lie detector test (Abst. 541-542). In Illinois, apparently, "confessed criminals" are to be accorded a different type of trial from that given mere defendants. But the difference between "confessed criminals" and presumptively innocent defendants is measured by the degree of success

the police have had in extracting from a defendant a confession during the period of his "accidental" detention. In consequence of this practice, we submit that the Petitioner was doomed by the police and not by the jury.

Conclusion.

For the foregoing reasons, we urge this Court to issue its Writ of Certiorari to the Supreme Court of Illinois to the end that the order of that Court affirming Petitioner's death sentence may be reviewed.

Respectfully submitted,

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(Opinion of the Supreme Court of Illinois.)

The People of the State of Illinois, Defendant in Error, v. *Paul Crump, Plaintiff in Error*, 12 Ill. 2d 402, 147 N.E. 2d 76.

Per Curiam: This case is again here on a writ of error to the criminal court of Cook County to review a trial wherein Paul Crump was found guilty of murder, his punishment being fixed at death. Paul Crump, David Taylor, Eugene Taylor, Harold Riggins, and Hudson Tillman were jointly indicted and tried for murder of one Theodore P. Zukowski who was shot and killed on March 20, 1953, while serving as plant guard at the Libby, McNeill & Libby packing plant in the city of Chicago. With the exception of Tillman, on the first trial each of the defendants was found guilty. Crump's punishment was fixed at death and the others 199 years imprisonment in the penitentiary. Tillman, who was granted a severance, testified for the State on the first trial but did not do so on the second. In *People* v. *Crump*, 5 Ill. 2d 251, we reversed and remanded for a second hearing, predicating the result principally upon the ground that Tillman was notoriously a drug addict and the defense was precluded from developing that fact on cross examination. It was contended that habitual users of opium are unreliable witnesses, thus Tillman's credibility would have been adversely affected if such proof had been allowed. This denial was held highly prejudicial.

We shall refer to Paul Crump in this opinion as the defendant. The record of this trial contains more than 1800 pages, and since our prior opinion contains a fairly complete account of what happened at the Libby, McNeill & Libby plant on March 20, 1953, we will omit all facts that are not pertinent to the legal issues here under consideration.

There have been assigned and argued many errors which the defendant contends justify a reversal. Much emphasis is placed on the alleged error committed by the trial court in failing to hold that People's exhibits 22 and 23, defendant's written confessions, were improperly obtained. It is urged that they are the product of oppressive, unfair and illegal conduct on the part of the prosecuting officials, thereby depriving defendant of rights guaranteed by the fourteenth amendment of the constitution of the United States.

It was on the evening of the same day Zukowski was killed that defendant was first arrested. Only accidentally was he picked up and questioned about several crimes. Three days later, after having allegedly been brutally mistreated, he confessed to nothing and was released.

Shortly thereafter Hudson Tillman surrendered himself to the sheriff of Cook County, and he then made a complete confession implicating all of the defendants named in the original indictment. On March 26, at about 3:00 A.M., ten police officers of the city of Chicago came into Crump's home and arrested him.

After being questioned for about nine hours, Crump and Taylor, at 1:30 P.M. on March 26, 1953, admitted their involvement in the Libby holdup in the presence of Richard Austin, First Assistant State's Attorney of Cook County, Irwin Bloch, Assistant State's Attorney, Chief J. T. O'Malley, Chief of Detectives, Capt. Frank Reynolds, 18th district, and several others. The question and answer interrogation taken by the court reporter embraces 25 pages in the abstract. This statement contained in much detail the facts involved in the planning and execution of the crime in question and their subsequent escape.

These are a few of the details elicited: Defendant had previously worked at the Libby, McNeill & Libby plant

and knew of their practices of handling payrolls on each Friday; the defendant planned the robbery about two weeks before its occurrence while he was gathered with a few of his confederates in a lounge on Forty-third Street; the defendant had no weapon of his own but he prevailed upon Hudson Tillman to supply the guns, which he did, consisting of a .32 revolver, .38 pistol and a sawed-off shot gun; it was arranged for the five to meet at 10:30 A.M. on March 20 under the L Station on Forty-third Street in Chicago and proceed to the plant in Harold Riggins's red Oldsmobile car; it was planned for Riggins to remain outside in his car and return to the plant at approximately 11:05 A.M.; the defendant led the procession into the plant for he was familiar with the operations, he struck the guard with a barrel of a shot gun and using the guard's revolver as well as his own, shot the guard Zukowski four times, causing his death; Tillman obtained the satchel and box containing the money; defendant Taylor, and Tillman wore blue hoods with two eyeholes that were made by the defendant from cloth purchased some place on Forty-third Street; the three participants wore rubber gloves that had been purchased at a drug store on Forty-third Street; the defendant went out another door than the one where Riggins was to appear so the defendant boarded a street car and went to the lake at Fifty-first Street where he threw his revolver in Lake Michigan "as far as I could possibly throw it."

Of considerable significance is the fact that the officers found the revolver at the place designated by the defendant. Of more than passing relevance is the fact that the inquiring officers asked the defendant about a grey felt hat, size 7, Dobbs make, bearing the name of J. G. Tobias, 2403 W. Madison Street, Chicago. Defendant said it was his hat that he wore on the day of the robbery and that it was lost in flight. In placing the hat upon his head, it

was found that it fit him. The mask and gloves also found in the path of defendant's departure were identified by him.

It was developed that People's exhibit 22 contained some inaccuracies. These minor discrepancies were ironed out so that People's exhibit 23 was prepared containing the final draft of what was agreed to be the truth. This document was signed on March 28, 1953, in the office of the State's Attorney of Cook County. Four civic leaders had been invited to witness this ceremony. Mrs. L. Robert Mellin was one of the four. It appears that she was a member of the board of education of the city of Chicago, and that her appointment was the result of endorsements of the leading clubs and civic groups of Chicago. She testified that the statements were read aloud by Mr. Austin and Mr. Bloch and that after defendant signed the statement she affixed her signature; that neither Paul Crump nor anyone else made any complaint to her, Mr. Austin or anybody else; that when Paul Crump was asked if he had been mistreated or abused they said "absolutely not, that they had wonderful treatment. Those were their words."

An examination of his testimony on the trial, however, reveals that defendant testified much to the contrary, stating at least twenty different specifications of mistreatment and duress. These are typical: He was struck with some object immediately upon being taken into custody on the occasion of his first arrest in connection with the crime charged; after being dragged by the back of the shirt, his feet were kicked out from under him, which caused him to fall on his side, and that a knee was pressed in his back, his tie was removed from his neck, his hands were tied behind his back therewith, and he was then placed against the wall of a building and searched; after

being taken to the Tillman home he was shoved to the floor when he concluded to leave; he was kicked in the side when he failed to give his name; three officers kicked him into the cell at the Stockyard Police Station when brought to the lockup at 12 o'clock midnight on March 20, 1953, after his clothes were searched and he was questioned during the 45 minutes previous; he was struck in the face once with the hand by Sgt. Pierce a few minutes after midnight; at daybreak two officers in uniform came to his cell, and struck him when he refused to answer them; he was suspended by his arms for three hours in the air with the "tops" of his toes touching the floor; he was struck in the stomach and kicked on his crippled foot while suspended and was threatened to be left hanging there if he did not talk. At the time of the second arrest he was held by the neck and pushed on the bed and a pistol put to him, and he was hit in the chest with revolvers by an officer "making" as if he was going to strike him; *etc.*

More than 50 witnesses testified on behalf of the State in refutation of these charges. Every police officer who had any part in the arrest, transportation, detention or questioning of the defendant denied mistreating, striking or in any way abusing the defendant or having seen any other person do so. The State's Attorney and two of his assistants denied making any threats or offers of inducement to obtain the confessions; the court reporter who made the stenographic notes of the confessions, denied there were any threats or inducements offered by any person in his presence; four citizens who witnessed the signing of the defendant's confessions, testified they heard the defendant and his codefendant say, in answer to questions as to whether they or any one of them was mistreated or abused, that each of them had been treated well; his own doctor and the doctor who witnessed the sign-

ing of the confession by the defendant could not find a bruise, welt or mark of physical violence or injury in their respective examinations of the defendant.

In defendant's testimony we find that he denied his involvement in the robbery at Libby, McNeill & Libby on March 20, 1953, stating that he was not near the premises on that date; that he did not shoot and kill Theodore Zukowski, nor did he strike anyone with the iron bar, nor did he see any of the several persons who appeared against him as witnesses on this trial. He readily admitted on cross examination that he had been interrogated by the assistant State's Attorney concerning his involvement. He agreed that he had stated in his confession that he was 22 years of age; that he was employed at Harvey, Illinois; that he worked in a material yard off and on for a period of two years; that he was making $54 per week take-home pay; that he had known Dave Taylor about eight months and that he had known Gene Taylor about six months, *etc.* But when asked about anything in his confession that pertained to the crime in question, the defendant flatly denied making any statement that even implied his connection therewith.

On rebuttal the State called the deputy clerk, Samuel Rosen, of the criminal court of Cook County, who had with him the official records of the criminal court. He testified that he had the record showing the order for the impaneling of the grand jury for the November term, 1946, the return of three indictments against Paul Crump for armed robbery, numbers 46-2507, 46-2508, and 46-2509. When the State's Attorney sought to have the docket entries marked as an exhibit for identification, defense counsel interposed the following: "I can make it easier for you, the witness is going to give a statement to the effect that a grand jury returned an indictment against

Paul Crump, alleging robbery while armed. The statement in addition thereto will be that Paul Crump, came into court, pleaded not guilty to that charge; and that the witness is also going to state that the record shows that there was a waiver of the jury by the defendant at that time in the year 1946; that there was a hearing, trial by the court without a jury and a finding of guilty and judgment was entered on the finding."

The witness then read from the journal the proceedings relative to the foregoing indictments. There was a finding of guilty as to each of the three indictments and defendant's age was found to be sixteen years. The objection in the trial court was to the reading of the records of the multiple convictions to the jury. Defendant's counsel said he had no quarrel about the conviction of Crump in 1946 but objected to a showing of the details when the only purpose was to affect his credibility. We do not believe that the reading of the facts contained in the official record, under the circumstances here appearing, constituted error. The official record would have been properly identified but for the volunteered stipulation of defense counsel. The statute (Ill. Rev. Stat. 1955, chap. 38, par. 734) authorizes the showing of a prior conviction to affect the credibility of a witness. This court has held frequently that this may be established by the production of the record of conviction or an authenticated copy of the record. *People* v. *Parks*, 321 Ill. 143; *People* v. *Bartkus*, 7 Ill. 2d. 138, 142.

Considerable attention is devoted by counsel for defendant to the discussion of alleged errors of the trial court in restricting both his cross and direct examination of many witnesses. No good purpose would be served in prolonging this opinion to the extent required to give detailed consideration to this complaint. Suffice it to say, that we find no merit in this contention.

It is also argued that the prosecution's argument was inflammatory and prejudicial. Counsel who represented defendant at the trial undertook to convey the idea to the jury that since this case had lingered for three years there must be some doubt about defendant's guilt. Such an unfair argument deserved severe treatment and received it.

Defense counsel also found occasion to discuss with much emphasis the failure to produce Tillman, Taylor and Riggins as witnesses, stating that they are out roaming the street. The State's Attorney replied to this argument effectively and appropriately. His argument was predicated upon the evidence adduced and logical inferences arising therefrom, and was in answer to arguments made by defendant's counsel. The defendant was permitted to argue in his own behalf. It was a splendid effort to evoke sympathy and humane consideration. But for the overwhelming proof of guilt, the result could have been different.

Two juries with the approval of two judges have found defendant guilty and decreed the extreme penalty. We have examined the long record critically and considered all claims of alleged mistakes in the trial. We find not one of a substantial or reversible character.

The judgment of the criminal court of Cook County is affirmed. The clerk of this court is directed to enter an order fixing Friday, January 31, 1958, as the date on which the sentence entered in the criminal court of Cook County on said judgment shall be executed. A certified copy of this order shall be furnished by the clerk of this court to the sheriff of Cook County.

Judgment Affirmed.

(Opinion of the Supreme Court of Illinois.)

The People of the State of Illinois, Defendant in Error v. *Paul Crump, Plaintiff in Error*, 5 Ill. 2d 251, 125 N.E. 2d 615.

BRISTOW, Chief Justice.

The plaintiff in error, Paul Crump, hereinafter referred to as defendant, has brought a writ of error to review and reverse his conviction of murder and his sentence to death in the criminal court of Cook County.

The defendant, together with David Taylor, Eugene Taylor, Harold Riggins and Hudson Tillman, was jointly indicted for the crime of murder of one Zukowski, chief of plant guards at Libby, McNeil & Libby in the Chicago Stockyards, during a robbery which occurred on March 20, 1953.

Tillman, whose name appeared on the list of witnesses filed by the State, was granted a severance by the court and the rest of the defendants submitted their cause to a jury. The jury returned verdicts finding Crump, the two Taylors and Riggins guilty and setting the punishment of Crump at death and that of each of the other three at 199 years in the penitentiary.

On the same day as the payroll robbery and alleged murder, the defendant, Crump, together with certain other defendants, was picked up by the Chicago police, taken to the Stockyards Police Station, and questioned concerning the robbery and murder. After extensive questioning, Crump and the defendants picked up with him were released on March 23. Hudson Tillman surrendered himself to police authorities through his attorney, and, as a result of his complete confession the defendant Crump, with the other defendants, was rearrested on March 26. On

March 27 statements were allegedly made and signed by the two Taylors, Riggins and the defendant, Paul Crump, in the office of the State's Attorney.

On March 31, 1953, the defendant was jointly indicted with the other four for the murder, and the defendant, with the others, was arraigned and pleaded "not guilty." On April 13 the defendant, through his counsel, presented a motion to be examined by a competent physician and surgeon and to be permitted to have a photographer and the court reporter present at the time of the examination, which motion was denied by the court after a hearing.

On May 5, the defendant Crump presented a motion for change of venue, for a list of the names of jurors and witnesses, for a bill of particulars, and also for a continuance from May 11, the date for which trial had been set, to a later date in order to permit adequate preparation for trial. The motion for change of venue and for a list of names of jurors and witnesses was allowed. The bill of particulars was denied, and the trial date was set for May 18.

The selection of the jury was begun on May 18, 1953, and after numerous panels were exhausted, a jury was finally selected and sworn on June 4 and the cause proceeded to hearing through June 19, on which date a verdict of "guilty" was returned. Thereafter motions for new trial and in arrest of judgment were denied and sentence pronounced.

Without attempting to recite the testimony received in evidence in detail, suffice it to say that numerous witnesses testified as to facts surrounding the alleged robbery and murder, including Hudson Tillman, one of the co-defendants in the indictment, and the alleged statements by each of the defendants were admitted in evidence after a limited preliminary hearing on their admissibility. Crump and

each of the other defendants testified in his own behalf along with other defense witnesses attempting to establish alibis.

The defendant Crump is the only party to have brought writ of error to review the verdict and sentence, and assigns fourteen errors as a basis for reversal. Those fourten errors were argued in etail in the written brief. Argument of Crump and the errors complained of may be summarized as follows: The admissions of improper evidence on behalf of the State; the refusal to admit proper evidence on behalf of defendants; the admission of certain exhibits on behalf of the State; the failure to prove the defendant guilty beyond all reasonable doubt; the refusal to give certain instructions asked by the defendants; the limitation of examination of State's witnesses by the defense; the refusal to grant defendant additional time in which to prepare his case adequately; failure to have a complete preliminary hearing as to admissibility of alleged statements; questioning by the court of jurors as to their qualifications respecting the death penalty; conversations by the court with four sworn jurors when counsel was not present; denial of the motion for physical examination of defendant with photographer and shorthand reporter present; calling a court's witness on preliminary hearing without request from either side, and permitting the State, on the trial, to refer to his testimony as a court's witness without such witness testifying before the jury; improper and prejudicial arguments and conduct of an Assistant State's Attorney; and the verdict being the result of passion and prejudice and contrary to the law and evidence.

The record before us is voluminous, the defendant was aggressively represented, and the trial was a bitter one. No trial judge can be expected to sit as an arbiter in such a contest without the intervention of error. Too many rulings must be promptly made in the hurried process of

trial for there to be a perfect record. Were the mistakes made of such a character that they constituted reversible error?

Defendant's involvement in the occurrence at Libby, McNeil & Libby plant on March 20, 1953, was clearly established by the testimony of Hudson Tillman, an accomplice. His testimony was therefore of great importance. It is claimed on this review that defendant's counsel in the cross examination of Tillman was unduly restricted. It is universally recognized that the testimony of an accomplice is fraught with weaknesses, due to the effect of motives, hope of leniency or benefits, or the effect of fear, threats, hostility, etc. Defendant's counsel in his oral argument before the court emphasized this as a basis for reversal. The trial court sustained objections to questions propounded on cross examination of Tillman as to whether he was a narcotic addict or user of narcotics.

The specific questions asked were "Are you a narcotic addict? Do you take the stuff?" "Did you ever take herion?" and "Didn't you, on March 20th, buy some narcotics and pay $17.00 for it?"

The defendant Riggins testified that after he met Tillman on March 20, 1953, he drove with Tillman to Kankakee; that Tillman wanted to stop at Robbins; that Tillman entered a house and stayed five to fifteen minutes at the most; that Tillman came out, entered the car and Riggins noticed he was pale and was talking foolishly, and he could not understand him even though he tried to make sense of Tillman's conversation; that he looked at him later and Tillman's eyes were rolling around in his head; that Riggins got some ice and Tillman was "slobbering and whatnot over himself;" that he drove to Elsie Cameran's home on 130th near Michigan; that Riggins

was afraid Tillman was passing out on him; that Elsie denied him admission to her home; and that he packed ice around Tillman's head, under his arms and over his chest and then drove to Kankakee.

Tillman was in custody of the State's Attorney's office in the witness quarters and readily available to testify in rebuttal, but none of the above was contradicted by him.

The witness Tillman was a codefendant, who had been jointly indicted with the others, and upon his being listed as a State's witness his trial was severed from that of the other four. His testimony on behalf of the State implicated the defendant Crump and others in the alleged crime. If his testimony was fully believed by the jury, it would have had a substantial bearing on the jury's findings and conclusions, both as to guilt and recommendations as to penalty.

The error assigned presents a clear-cut question of first impression in this State as to whether or not an accomplice witness can be properly cross-examined as to the witness's drug addiction for the purpose of impeaching the witness's credibility. In support of the contention that such cross-examination is proper, the defendant has cited three Illinois cases, *People* v. *Bond*, 281 Ill. 490, 118 N.E. 14, 1 A.L.R. 1397; *People* v. *White*, 251 Ill. 67, 95 N.E. 1036, and *People* v. *Winchester*, 352 Ill. 237, 185 N.E. 580. In the *Bond* case [281 Ill. 490, 118 N.E. 18] the court held it was proper for the State to cross-examine a defense witness as to whether or not she was the keeper of a house of ill fame, saying: "If a witness is engaged in an unlawful and disreputable occupation, in justice and fairness he should not be permitted to appear before the jury as a person of high character who is engaged in a lawful and respectable occupation." In the *White* case [251 Ill. 67, 95 N.E. 1039] it was held proper for the State to cross-

examine a defense witness to bring out the fact that he operated a gambling house, saying: "The law does not permit proof of other offenses, not connected with the charge upon which the defendant is being tried [citing cases,] but the prosecution could not be hampered nor restrained in perfectly legitimate cross-examination, because an inference unfavorable to defendant might arise. Surely the prosecution was not required to permit this witness to appear before the jury as a man of high character and worthy of confidence, when he was disreputable and his chief occupation that of a lawbreaker." In the *Winchester* case this court reversed a conviction of the defendant in which he was sentenced to death, for the refusal of the trial court to let the State's argument be taken down and for unduly limiting the cross-examination of a witness to show that such witness's house was a house of prostitution, stating, 352 Ill. at page 244, 185 N.E. at page 583: "It was proper for the defendant to bring out this fact on cross-examination as a matter affecting the credibility of the witness. *People* v. *Bond*, 281 Ill. 490, 118 N.E. 14, 1 A.L.R. 1397. The court erred in unduly restricting the cross-examination of witness Cox." And in 352 Ill. at page 247, 185 N.E. at page 584 the court used this language which is of value in resolving the problem before us. "The denial of this right, together with the error in unduly limiting the cross-examination of the state's witness Cox, must, in view of the circumstances under which improper and incompetent evidence prejudicial to the defendant was put before the jury, be held to be grounds of reversal in this case. Since the jury in this case had a wide discretion in fixing the punishment, and did by its verdict fix the maximum punishment, death by electrocution, it is not a case where this court could affirm the judgment notwithstanding prejudicial error, even if it could say that the proof of guilt was clear. [Citation.] This court has many times ruled that in the trial of a murder

case, in which the punishment may be by confinement of the defendant in the penitentiary for fourteen years only or for the term of his natural life, or in which the death penalty may be fixed, evidence must in those cases be admissible which would not have been admissible, or, if admissible, could have availed nothing at common law. For these reasons evidence must be admitted if it tends to prove a substantial ground to lessen the punishment and to reduce it below the maximum punishment fixed for murder. On the other hand, for similar reasons, this court has refused to sustain the maximum punishment in cases in which prejudicial error against a defendant had been committed, although the evidence showed that the highest crime known to the law—the murder of a human being in the peace of the people—had been committed."

Courts in other jurisdictions have reached conflicting conclusions as to this general question. In *State* v. *Prentice*, 192 Iowa, 207, 183 N.W. 411, 15 A.L.R. 904, the defendant appealed from a judgment convicting him of larceny of an automobile, in which appeal one of the assignments of error was the admission of evidence as to the use of drugs by one of the defendant's witnesses. The defendant's witness in question had been evasive in answering questions on cross-examination as to her use of narcotics and had denied the use of the drug and that she had purchased any of doctors. A doctor was permitted to testify on behalf of the State, over objection, that the witness had obtained narcotics from him. The defendant did not claim that the cross-examination of the witness as to the use of narcotics for the purpose of impeaching credibility was improper, but contended that the State was bound by her answers and might not impeach her thereon. The Iowa court, after considering various cases apparently touching upon this particular question, held that the evidence was admissible and proper to be considered by the jury for

what it was worth, largely relying for its conclusion upon the fact that insincerity of a witness may be shown. That case, however, does not pass upon the precise question here presented to the court.

In the annotation following the report of the *Prentice* case in 15 A.L.R., beginning at page 912, under the subject of "Use of drugs as affecting competency or credibility of witness," it is stated editorially that the rule followed by the majority of cases appears to be that for the purpose of discrediting a witness evidence is inadmissible to show that he is a user of opium, morphine or similar drugs or to show the effects of the use of such drugs unless it is proved that the witness was under their influence at the time of the occurrence as to which he testified, or at the time of the trial, or that his mind or memory or powers of observation were affected by the habit.

The substance of these holdings as indicated in *State* v. *King*, 88 Minn. 175, 92 N.W. 965, and *Katleman* v. *State*, 104 Neb. 62, 175 N.W. 671, seems to be that whether the witness is a narcotic addict or not is a collateral issue which the court will decline to try; that since the witness is before the court his mental condition is obvious to both court and jury, and it is for them to say whether he is in a condition of mind to understand and appreciate his testimony, whether he is fabricating or whether his testimony is straight-forward and unequivocally given; and that the witness' appearance, demeanor and manner of testifying are sufficient to inform the jury of his mental condition and of his credibility. Although such may be the proper rule as to admissibility of expert testimony to prove the nature of drug addiction and its effects, the present question is as to the propriety of cross-examination of an accomplice to show the mere fact of drug addiction as affecting his credibility.

There are decisions from other jurisdictions, as noted in the above referred to annotation in American Law Reports, that it is proper to show, by cross-examination of the witness himself, that the witness is a habitual user of narcotics, and to establish by competent evidence the effect of such use upon mental faculties of the witness. *Beland* v. *State*, 86 Tex.Cr.R. 285, 217 S.W. 147; *State* v. *Fong Loon*, 29 Idaho 248, 158 P. 233, L.R.A. 1916F, 1198; *Anderson* v. *State*, 65 Tex.Cr.R. 365, 144 S.W. 281; *People* v. *Webster*, 139 N.Y. 73, 34 N.E. 730; *State* v. *Concannon*, 25 Wash. 327, 65 P. 534; *Wilson* v. *United States*, 232 U.S. 563, 34 S. Ct. 347, 58 L.Ed. 728.

The general rule in Illinois, as established by the *Bond*, *White* and *Winchester* cases referred to above, is that it is proper to cross-examine a witness to bring out the witness's unlawful and disreputable occupation and activity as a matter affecting credibility.

The admissibility of such evidence seems to be recognized in 3 Wigmore, Evidence, 3d ed. 1940, sec. 934, where the author states: "Any diseased impairment of the testimonial powers arising from whatever source ought also to be considered." Although stating that the drug habit in that it may have such an effect, should accordingly be considered, the author does recognize that all courts have not yet gone so far. Among the cases cited by the author supporting his general conclusion is *Chicago & Northwestern Railway Co.* v. *McKenna*, 8 Cir., 74 F. 2d 155, 158. Although this was a civil action for damages, the trial court had withdrawn from consideration of the jury evidence of drug addiction brought out on cross-examination and instructed the jury to disregard it. In reversing, the Circuit Court of Appeals stated: "We think this action of the court was error and that the defendants should have been permitted to show in cross-examination of ap-

pellee or otherwise that he [appellee] was an habitual user of drugs and to develop by competent evidence the effect which continued addiction might have upon one's mental faculties, irrespective of whether he was under the immediate influence of the drug at the time of the occurrence. *People* v. *Webster*, 139 N.Y. 73, 34 N.E. 730. We think it had a direct bearing upon his credibility and also upon the question of who may have been the aggressor in the quarrel occurring in the railroad yards."

On oral argument of this case, counsel for the People admit that the proffered questions on cross-examination as to drug addiction of the accomplice witness were proper, but they attempt to avoid such confessed error on the theory that the jury was properly instructed by the court as to the weight to be given testimony of an accomplice; that the defense had an opportunity to supply witnesses to prove drug addiction of the accomplice witness; and that the evidence in the case, without that of the accomplice witness, conclusively established guilt, and such testimony was unnecessary.

In *State* v. *Fong Loon*, 29 Idaho 248, 158 P. 233, 236, L.R.A. 1916F, 1198, it is stated "habitual users of opium, or other like narcotics, become notorious liars. • • • 'The chronic morphinomaniac is often a confirmed liar. The truth is not in him.' • • • The capacity of a witness to observe and to receive accurate impressions, to retain them in his memory, and to correctly relate them, also his power and inclination to be truthful, are all subjects which go to the credibility of a witness."

In our opinion, the jury was entitled to know whether Tillman, the accomplice witness, was or had been a drug addict or had used narcotics on the day of the alleged crime, it being a very important factor going to the general reliability of his testimony. The refusal of the

court in this case to permit cross-examination along such lines was prejudicial and reversible error.

Defendant further sought to show on cross-examination that Tillman entertained a feeling of hostility toward the Crump family because defendant's brother had wronged Tillman's sister. The testimony of an accomplice should be scrutinized carefully. It was an area of proper inquiry for the defendant to determine if there was ill will engendered in Tillman because his sister had become an unwed mother as a result of defendant's brother's illicit relations with her.

It is also urged that the court erred in denying the defendant Crump's motion for continuance. On May 5, 1953, defendant's counsel filed motion for continuance supported by affidavit showing that counsel was engaged in the trial of a civil jury case continuously from April 7, 1953, to and including April 30, and that on that date the wife of defendant's counsel had entered the hospital, where she remained until May 3, and asserting that counsel had been unable to prepare for trial from April 24 to the date of the filing of the petition. No counter-affidavits were filed by the State. On May 6, the day such motion was argued, the State furnished the defendant with a list of 48 witnesses, about which the court was advised by counsel for defendant, and that it would be necessary for him to investigate each of such witnesses. From the record it appears that counsel had represented defendant since March 27. The indictment was returned March 31, and on April 13 the case was set for trial for May 11, and at the time of the hearing on the motion the court ordered the case set for trial May 18, a little over ten days from the date of hearing of the motion. The record is silent as to any urgent reason for the State or the court to proceed to trial, and the State was avowedly seeking the death

penalty. A motion to continue a cause, as here presented, is addressed to the discretion of the court. *Benton* v. *Marr*, 364 Ill. 628, 5 N.E. 2d 466. However, on a charge of murder, where the prosecution is seeking the death penalty, every reasonable opportunity should be given the defendant to investigate witnesses against him and to prepare his defense.

It is our opinion the court abused its discretion in denying the defendant adequate time to prepare his defense in this case. Ten or eleven days to investigate 48 State witnesses and to prepare for cross-examination thereof and to prepare the defense in chief in a capital case can hardly be deemed reasonable and the trial court should have continued the case to a later date.

Defendant further assigns as error the denial of defendant's motion for permission to have a physical examination in the county jail, with a shorthand reporter and a photographer present. Such motion was made on April 13, 1953. No reason is shown in the record for the court's denial of such motion. It should be noted, however, that the defendant's contentions of brutality in obtaining alleged statements is directed to the date of March 27 and times prior thereto. The record shows that on March 28 all defendants were stripped and examined by a doctor and no complaints of any kind were made to him. Considering the time lapse between the acts of alleged brutality and the request for examination by the defendant, and the fact that a physical examination was actually made by a doctor immediately after the alleged signing of the alleged statements, we cannot say that the trial court abused its discretion, in denying such motion, or that the defendant was in any way prejudiced.

The written brief and argument of defendant also assigns as error that it was improper for the trial court

to have lengthy conversations with four jurors, who had been accepted and sworn to try the issues, out of the presence of counsel for either side, and not to bring the matter discussed to the attention of counsel for the defendant. The State's brief points out that the record of proceedings discloses that the court advised counsel in chambers that the four jurors had talked to him, that the conversations had been transcribed by a court reporter, and that the record of such conversations was read to counsel. Counsel for defendant on oral argument concedes that state of facts to be true and that his contention was the result of an oversight in studying the record. The record does not show any objection or exception to such occurrence by counsel for defendant or motion for mistrial, and nothing appears from such incident to have prejudiced the defendant of which the defendant can complain.

It also appears that the trial court, during the selection of the jury, questioned each of the several special venires collectively as to whether or not they had any conscientious or religious scruples against the infliction of the death penalty. In the course of such collective questioning of each special venire the court excused for cause those that admitted matters which disqualified them from service on this particular jury. Error is assigned as to this procedure but such objection is not well taken. There was no questioning at great length and no repeated questioning of the same venire. The inquiry as to whether any of the jurors had moral or religious scruples against the inflicting of the death penalty in a proper case and the excusing of those who had was within the court's province. Frequently this practice is adopted by courts as a time saving measure.

Objection is also made to the fact that the trial court permitted the first assistant State's Attorney to testify in

rebuttal although such witnesses had been present during the trial and an order excluding witnesses had been made. The record shows that Mr. Austin, the first-assistant State's Attorney who had been instrumental in the taking of defendant's alleged statements and confessions, appeared on the list of witnesses furnished the defendant by the State and that the court ordered all witnesses in the case to be excluded, even at the time of the picking of the jury. Austin participated in the trial and at the time of exclusion had agreed that all witnesses be excluded. At the time the accomplice Tillman was called as a witness, defendant's counsel asked the court to exclude Austin from the courtroom. After the jury was excused Austin advised the court that he had been informed that he would not be called as a witness regardless of the fact that his name was on the witness list, and another assistant State's Attorney conducting the case confirmed such statement. The court then said that it would take the assurance of Austin, and the State agreed to cross Austin's name off the list, and he was permitted to remain in the courtroom. Further objections by defendant's counsel to Austin's presence were overruled.

Austin had taken a leading part in the interrogation of the defendants at the time of their arrest and at the time their alleged confessions were made. He also took an active part in the trial of the case and upon being called as a rebuttal witness testified, over objection, that he took statements from certain of the various defendants, identified each of said alleged statements, and testified, over objection, that he took statements from certain of the various defendants, identified each of said alleged statements, and testified over objection, that he took statements from certain of the various defendants, identified each of said alleged statements, and testified

as to what happened at the time of taking them and conversations that occurred at such times. Although part of his testimony rebutted testimony given by the defendants on the stand, a large portion of his testimony properly belonged to the State's case in chief. A trial court is vested with discretion in permitting a witness to testify, even if an order excluding witnesses has been entered. *People* v. *Godsey*, 334 Ill. 11, 165 N.E. 178; *People* v. *Sink*, 374 Ill. 480, 30 N.E. 2d 40; *People* v. *O'Malley, Jr.*, 404 Ill. 165, 88 N.E. 2d 454; *People* v. *Thomaszewski*, 406 Ill. 346, 94 N.E. 2d 154. The fact that a part of the testimony of a witness might also have been competent in chief does not necessarily render it improper for reception in rebuttal. *People* v. *Drysch*, 311 Ill. 342, 143 N.E. 100; *People* v. *Leach*, 398 Ill. 515, 76 N.E. 2d 425. However, as held in *People* v. *Castree*, 311 Ill. 392, 143 N.E. 112, 32 A.L.R. 357, the prosecution ought not, with knowledge of important testimony at its command, close its case without introducing it and then, after the defendant has introduced his testimony, be permitted to open up its case anew and introduce evidence in chief which it could have produced at the proper time but withheld. A prosecuting attorney owes a duty to conduct his examination of a witness fairly, regardless of whether objection is continuously made or not. *People* v. *Botulinski*, 383 Ill. 608, 50 N.E. 2d 716. Here the prosecution knew, or should have known, of the importance and materiality of Austin's testimony in their case in chief, and in view of assurances made by the prosecuting attorney and Austin himself, a serious question exists as to the propriety of the court permitting Austin to testify in violation of the rule excluding witnesses unless his testimony was limited by the prosecuting attorney strictly to rebuttal testimony. Although such trial court action in and of itself alone would not prejudice the defendant, yet, since other errors warrant a re-

versal and remandment, such a situation should not be permitted to recur on a new trial.

On the preliminary hearing as to the admissibility of alleged confessions, during an examination of the defendant Crump, the court inquired about a Dr. Rosen's name and address and directed the clerk to subpoena such doctor for the following day as a court's witness. No request therefor had been made by either the prosecution or the defense, and no representations were made by either that they would or would not vouch for such witness. The following day the doctor appeared in response to such subpoena and as a court's witness testified that he made the examination of the defendant Crump on March 25; that from such examination the defendant was found to have a cold; that there were no marks or bruises of any kind; that the defendant had a temperature at that time of 103.6; that the defendant was fluoroscoped; that no pathology was indicated and that all the doctor was interested in was his lungs and he was not interested in pathology. Dr. Rosen was not called as a witness by either side to testify before the jury, but during the cross examination of defendant Crump the latter was asked, over objections, if he had heard Dr. Rosen testify outside the presence of the jury; that if he heard Dr. Rosen testify that Crump only had a cold; and if he knew that Dr. Rosen was called as a court's witness after Crump had testified about a severe beating he had received. In the closing argument to the jury, the State referred to this testimony. The defendant assigns as error both the calling of Dr. Rosen as a court's witness on the preliminary hearing and the prejudice from the State's reference, on cross examination and in the argument to the jury, to Dr. Rosen as a court's witness and to the testimony he had given outside the presence of the jury. The ten-

dency of Dr. Rosen's testimony at the preliminary hearing, and as referred to before the jury, was to rebut the defendant Crump's alibi of an incapacitating illness of pneumonia on the date of the alleged crime and his claim of brutality while in custody of the police. It is a general rule that a witness should not be called by the court as a court's witness unless it is shown that otherwise there may be a miscarriage of justice or the requesting party, for a reason about which he informs the court, doubts the integrity or veracity of the witness. *Carle* v. *People*, 200 Ill. 494, 66 N.E. 32; *People* v. *Cleminson*, 250 Ill. 135, 95 N.E. 157; *People* v. *Cardinelli*, 297 Ill. 116, 130 N.E. 355; *People* v. *Johnson*, 333 Ill. 469, 165 N.E. 235.

We can see no impropriety or prejudice to the defendant by the court calling Dr. Rosen as a court's witness on the preliminary hearing as to the admissibility of the alleged confessions, as such action was very proper in order to prevent a possible miscarriage of justice, even though neither State nor the defense requested the witness to be called by the court. However, the court was in error in permitting the State, over objection, to bring out by cross examination and to refer in argument to statements of a party who had not been called and who had not testified before the jury. It is fundamental that both the defendant and the jury should be confronted with the witnesses themselves under oath and have the benefit of both their sworn testimony in chief and under cross examination. A somewhat analogous situation was considered in *People* v. *Lettrich*, 413 Ill. 172, 108 N.E. 2d 488. The cross examination and argument by the State's Attorney could have given the jury the impression that Dr. Rosen had testified that the defendant Crump had no marks or bruises about his body at the time of the doctor's examination without bringing to the jury's attention the doctor's qualification in his earlier testimony that he was only in-

terested in Crump's lungs and not in pathology. The net result of such cross examination and argument deprives the defendant of his constitutional right of confrontation of witnesses and the right to cross examine witnesses against him, and it is impossible to speculate as to how much influence such fact had upon the jury reaching the conclusion they did as to guilt and infliction of the extreme penalty.

The errors assigned on the refusal of the court to give certain instructions have been carefully considered and are not well taken except for the one requested instruction that it was the duty of the jury to consider the prisoner's case as if he were a white man, for the law is the same as to both white and colored men, there being no distinction in principles in respect to color. The defendants in this case were all Negroes. The deceased and most of the deceased's witnesses were Caucasians and the jury was composed entirely of white people. In the recent case of *People* v. *Kirkendoll*, 415 Ill. 404, 114 N.E. 2d, 459, we commented upon the lower court's refusal to give the same exact instruction and declared that refusal to give such instruction was error. The State attempts to distinguish the *Kirkendoll* case because of the fact that there the offense involved a colored man charged with raping a white woman and because the court stated in the opinion that there was more than a reasonable doubt of defendant's guilt, suggesting that there can be no doubt as to the guilt of the defendant in this case and that the need and necessity of such an instruction is nonexistent today. Although it is true that today, under our legal and social system, it should not be necessary to ask for, seek, or expect to receive any special instructions because of race, color or creed, yet we must recognize that our American system of justice and equality before the

law is still administered by human beings and is therefore necessarily subject and exposed to the imperfections of human frailities and prejudices.

Extensive objection and argument is also made as to improper and prejudicial remarks by the prosecutors justifying a reversal. An examination of the record discloses numerous instances of remarks and conduct by counsel for both the People and the defendant made during the heat, tension and strain of a strenuously and bitterly tried capital case which, in the interest of a fair and impartial trial before a jury, would have been better left unsaid and undone. Inasmuch as this conviction must be reversed for errors hereinabove considered, we feel it is unnecessary to further extend this opinion with a detailed consideration of the claimed infractions of the rules.

The extreme penalty having been imposed in the case prompts us to attach increased importance to the errors herein discussed, and to reach the conclusion that defendant's conviction did not result from a trial free of substantial and prejudicial error. A new trial is ordered.

Reversed and remanded.

(Editorial—Chicago Sun-Times, March 11, 1958.)

Cloak For Police Brutality.

Pretending that such things don't exist will not put an end to police brutality or the illegal detention of persons arrested without a warrant. Nor will a general public attitude that "it can't happen to me" help alleviate the situation.

An extensive survey conducted by the Illinois Division of the American Civil Liberties Union shows that illegal detentions are so widespread as to concern all Chicagoans, any of whom could run afoul of the law through little fault of their own.

The survey covers the year 1956. Preliminary findings indicate that Chicago police arrested without warrant, and held incommunicado for two days or more, at least 250 prisoners a month—or a total of at least 3,000 for the year.

Such practices not only violate Illinois law but, more importantly, they constitute a denial of the bail guarantee in the Constitution's Bill of Rights. Even if it is assumed for the sake of argument that many of the persons so detained may not be the most savory characters in Chicago, the practice should still be repugnant to the public at large. For if the police can get away with illegal detentions in such instances, they will eventually be emboldened to make the practice a habit in the arrest of most citizens.

The manner in which the police treat even the most hardened criminal should be of grave concern to even the most law-abiding of our citizens. When the police can, with impunity, violate the constitutional rights of any person,

no matter how unworthy he may seem to be, the police tend to become contemptuous of the rights as they apply to more respectable citizens.

Moreover, as Kenneth Douty, ACLU director for Illinois, has pointed out, the violation of one right leads invariably to the violation of others. A person who is being illegally detained is more likely to suffer police brutality than one who is promptly admitted to bail.

In a recent statement, Douty illustrated the point by citing the case of Leslie G. Wakat, a machinist recently awarded $15,000 damages by a federal jury here after he was imprisoned seven years on a confession he said Chicago police forced from him by torture. The award was upheld last week in a decision written by Judge Elmer J. Schnackenberg for a unanimous three-man U.S. Circuit Court of Appeals.

Wakat, with a previous record of burglary, was picked up by police on suspicion of burglary and arson in 1946. He was held incommunicado in Town Hall Station for six days, during which he was severely beaten by police according to the findings of the U.S. District Court jury. He finally signed a confession and was sentenced to prison for 10 to 20 years.

After Wakat served seven years, the state Supreme Court upheld his petition for a new trial, whereupon the state's attorney's office dropped the case against him. There is no evidence, except the confession obtained under torture, that Wakat committed the crime with which he was charged and first convicted.

As Douty put it: "The Wakat case typifies the sort of shocking police behavior which is inevitable so long as our law enforcement agencies continue their present illegal

system of holding 'suspects' incommunicado in police stations for days prior to bringing them before a magistrate."

Illegal detention is too often a cloak for the third degree and other police evils. What happened to Wakat could well happen to most citizens under relatively innocent circumstances. It is nothing for the public to be complacent about.

(Article—Chicago Sun-Times, March 29, 1958.)

Open Probe on Civil Rights, Police.

A federal grand jury has begun an investigation of alleged civil rights violations by the Chicago Police Department.

U.S. Atty. Robert Tieken informed Police Comr. Timothy J. O'Connor on Friday that the investigation by the March grand jury, is under way.

Two witnesses already have testified, reportedly telling of police brutality and illegal detentions.

They are Norman Feldman, a social worker with the Chicago Youth Centers, and Donald Page Moore, staff counsel of the American Civil Liberties Union, Illinois Division.

Scope Of Probe.

The investigation, it was learned, will focus on Fillmore Police Station, 4001 W. Fillmore, but will fan out to include other districts and many policemen. It may last for months.

Feldman, supervisor of a gang of teen-agers, reportedly told the jury of an alleged beating and illegal detention of James Halsell by two Fillmore policemen, Nathan Crossley and Ernest Charles.

Halsell, 18, of 4322 W. 17th, was arrested May 3, 1957, with two teen-age companions.

Crossley and Charles, Feldman reportedly told the jury, beat Halsell on the back with whips, belts and a soft leather blackjack. They held him incommunicado for 48 hours, then charged him with disorderly conduct, it was alleged. Halsell later was found not guilty in Municipal Court.

Companions Sentenced.

His two companions, whom he said he heard screaming in the Fillmore station, were tried in Criminal Court for armed robbery. They asserted that they had confessed under duress but were found guilty and sentenced to 1-to-4-year terms in Stateville Penitentiary.

Moore, of the ACLU, has studied 2,200 Municipal Court files. He said they indicated that 16,000 citizens were detained illegally by Chicago police in 1956.

"We know what we're talking about," he said. "This is a conservative estimate. The exact figure probably is three or four times as high." Moore has been invited to reappear before the jury on Wednesday.

Mayor Orders Check-up.

Mayor Daley said he has asked O'Connor to survey police detention methods to determine if any prisoners have been illegally held for long periods of time.

Daley noted that in investigations, it takes time to confront a suspect with witnesses.

The ACLU, however, said that in April, 1955, Daley filled out a questionnaire stating that, if elected mayor, he would favor booking suspects immediately after arrest, taking suspects to court not later than the morning after arrest, and discharging policemen who violate those two principles.

IN THE

Supreme Court of the United States

OCTOBER TERM, A.D. 1957.

No. 913

PAUL CRUMP,

Petitioner,

vs.

THE PEOPLE OF THE STATE OF ILLINOIS,

Respondent

On Petition For Rehearing For A Writ Of Certiorari To The Supreme Court Of Illinois

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To: The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States.

Your petitioner, Paul Crump, respectfully prays that this honorable Court rehear the Petition for a Writ of Certiorari previously denied by the Court.

Reasons Why The Petition For Rehearing Should Be Granted

Mindful of Rule 58 of the rules of this Court, limiting the grounds upon which we may petition for rehearing, we represent to the Court that circumstances, in the form of a further Petition for Certiorari to the Supreme Court of Illinois in a like matter, have intervened, such that we properly may urge this Court to rehear the Petition for Certiorari.

Within approximately three days of the denial of certiorari in this cause, as Petitioner is informed, there was filed in this Court a Petition for Certiorari in the case of *Lloyd Eldon Miller* v. *The People of the State of Illinois*, which said Petition has, as Petitioner believes, been docketed in this Court under miscellaneous No. 822.

The opinion of the Supreme Court of Illinois in the *Miller* case was published subsequent to the filing of the original Petition herein. The opinion appears at 13 Ill. 2d 84 and at 148 NE 2d 455. The said opinion is an extension of and a logical corollary to the opinion filed in Petitioner's case, and establishes beyond all question that in Illinois, a confession will qualify for admission into evidence if corroborated and considered reliable, notwithstanding it may have been elicited by coercion.

The exact language used by the Illinois Supreme Court in the *Miller* case, relevant to the present inquiry is as follows:

> * * * the real question presented to the court is not whether there is evidence of threats or promises, but whether there has been any threat or promise of such a nature that a prisoner would be likely to tell an untruth from fear of threat or hope of profit from the promise." (13 Ill. 2d 96, 148 NE 2d 462)

The broadcast into the reports of the opinion in *Miller* can serve only to lend further support to law enforcement officials who proceed by subjecting suspects to coercive measures, all to the further detriment of the citizens of the State of Illinois.

Petitioner earnestly suggests to this Court that the failure of the State to answer his Petition was for the reason that there simply was no proper answer that could be made. The State may well have felt that the Petition would receive less consideration if unanswered, but this was, we submit, an implied acknowledgment of the merit of the propositions advanced in the Petition.

• • • • •

CONCLUSION.

For the foregoing reasons we pray that this Court reconsider its denial of the Petition for Certiorari herein, and thereafter grant certiorari.

Respectfully submitted,

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Attorneys for Petitioner

Certificate of Counsel

Melvin B. Lewis, one of the attorneys for the petitioner herein, certifies that the within Petition for Rehearing is filed in accordance with Rule 58 of the rules of this Court; that it is presented in all good and earnest faith, and not for the purpose of delay; and he further certifies that this Petition is predicated upon the intervention of a circumstance which did not exist at the time of the filing of the Petition for Certiorari herein.

Melvin B. Lewis further certifies that he has mailed three copies of the foregoing Petition to the Attorney General of the State of Illinois, Springfield, Illinois, and has also mailed a copy hereof to the State's Attorney of Cook County, Illinois, said mailing being effected by depositing the said copies hereof in a mailbox, with first-class postage prepaid, addressed to the said Attorney General and State's Attorney at their post-office addresses.

.....

Melvin B. Lewis